The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

This document contains handwritten text that may be partially illegible due to age, penmanship, or deterioration of the medium. LLMC has scanned the material in the same format and page order in which it is maintained in the source document taken from the collection "Records of the States of the United States of America, a microfilm compilation."

Helena Montana, Senate Chamber
Saturday November
Twenty Third Eighteen Hundred Eighty Nine
Ten o'clock noon

The hour being the day and hour fixed by the Governor of the State of Montana for the meeting of the Legislature, the Senate was called to order by Lieutenant-Governor J.E. Richards who is by virtue of his office President of the Senate

The roll of the Senate was called by Hon'd Robert-Secretary of State and the following named Senators were present and answered to their names:

Lawrence A Brown.	of	Beaverhead County
Robert Fisher.	"	Jefferson "
J.J Arrington.	"	Cascade "
Cornelius Hedges.	"	Lewis and Clarke "
Orion B. Clyde.	"	Madison "
W.E. Rutherford.	"	Missoula "
Wm S Thompson	"	Park "
Albert K Babcock	"	Yellowstone "

On motion of Senator Hedges a Committee was appointed to wait upon Chief Justice Blake, and in his absence Judge Hunt and request his presence, for the purpose of administering the oath of office to the Senators present. Senators Hedges and Brown were appointed such Committee

Judge Wm H Hunt appeared and administered the following oath of office. the same being subscribed to by the following named Senators.

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office with fidelity; and that I have not paid or contributed or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not

knowingly receive directly or indirectly any money or other valuable thing for the performance or non performance of any act or duty pertaining to my office other than the Compensation allowed by law. "So help me God."

Laurence A Brown
Robert Fisher
J. T. Arrington
Cornelius Hedges
Loren P. Olds
M. E. Rutherford
Jas E Thompson
Albert L Babcock

On motion of Senator Hedges the oath of Office as signed by members present were ordered filed with the Secretary of State.

The Lieutenant Governor appointed as temporary Sergeant at Arms of the Senate Matthias McGuirk of Jefferson County

On motion Senate adjourned until 10 A M Monday Nov 25th 1889.

A. L. Babcock
Secretary pro tem.

Third Day

Senate Chamber Helena Montana November 25th 1889

The Senate met pursuant to adjournment the President in the Chair.

Roll called and the following Senators answered to their names.

Brown
Arrington
Fisher
Hedges
Olds
Rutherford
Thompson
Babcock.

Minutes of the previous session read and approved.

On motion Senate took a recess until 2 o'clock PM

Nov 25th 1889. 2 o'clock PM

Senate resumed. on motion Senate ~~adjourned~~

until 10. o'clock A M Nov 26th.

H. L. Babcock
Secy pro tem.

Fourth Day.

Nov 26th 1889. 10 A. M.

Senate met pursuant to adjournment- The President in the Chair.

Roll Called and the following Senators answered to their names

Brown.
Armington
Fisher
Hedges
Olds
Rutherford
Thompson
Babcock

Minutes of Nov 25th read and approved

On motion Senate adjourned until November 26th 1889. 10. A. M.

A L Babcock
Sec pro tem

Fifth Day.

Senate Chamber
Helena Mont.
Nov 27th 1889. 10 o'clock A M

Senate met pursuant to adjournment.
President in the Chair.

Roll called and the following Senators answered to their names
Brown
Armington
Hedges
Olds
Rutherford
Thompson
Babcock.

Minutes of November 26th read and approved

On motion Senate adjourned until 8 o'clock P M Nov 29. 1889

A. L. Babcock
Sec. pro tem.

Senate Chamber
Helena Montana
November 29th 1889.
10. o'clock A.M.

Seventh Day

Senate met pursuant to adjournment. Mr President in the Chair. Roll called and the following senators answered to their names. Brown. Armington. Fisher. Hedges. Rutherford. Thompson. Babcock. Minutes of previous meeting read and approved. On motion Senate adjourned until 10 A.M. November 30th.

A. L. Babcock
Secy, pro tem.

Eighth Day.

Senate Chamber
Helena Mont
Nov 30th 1889
10. o'clock A.M.

Senate met pursuant to adjournment Mr President in the Chair. Roll called and the following named Senators answered to their names. Brown. Armington. Olds. Fisher. Hedges. Rutherford. Thompson Babcock.

Minutes of previous meeting read and approved. On motion Senate adjourned until to-morrow at 10 A.M.

A. L. Babcock
Secretary, pro tem.

Ninth Day.

Senate Chamber
Helena Montana
Dec. 2nd 1889
10. o'clock A.M.

Senate met pursuant to adjournment Mr President in the Chair. Roll called and the following Senators answered to their names. Brown. Armington. Olds. Fisher. Hedges. Rutherford. Thompson Babcock.

Minutes of previous meeting read and approved. On motion Senate adjourned until 10. o'clock A.M. Dec 3rd 1889.

A. L. Babcock
Secy pro tem.

Eleventh Day

Senate Chamber
Helena Mont
Dec 3d 1889
10. o'clock A.M

Senate met pursuant to adjournment- Mr President in the Chair. Roll called and the following named Senators answered to their names. Brown. Armington. Olds. Fisher. Hedges. Rutherford. Thompson Babcock.

Minutes of previous meeting read and approved. On motion Senate adjourned until to morrow at 10. A M

A. L. Babcock
Secretary pro tem

Twelfth Day

Senate Chamber
Helena Mont
Dec 4th 1889.

Senate met pursuant to adjournment. Mr President in the Chair. Roll called and the following named Senators answered to their names. Messrs Brown. Armington Olds Hedges. Fisher Rutherford Thompson Babcock Mr President appointed the Rev L K. Berry Chaplain pro tem and Frederick Gilbert Secretary pro tem

Prayer by the Chaplain.

Minutes of the previous meeting read and approved.

On motion of Hedges. Senate took a recess until 2. 30 P. M.

2. 30 P.M.

Senate resumed. Roll called and the following named Senators answered to their names. Messrs Brown. Armington. Olds. Hedges. Fisher Rutherford. Thompson Babcock.

On motion of Olds Senate adjourned until 10. A M Dec 5th

Frederick Gilbert
Secy pro tem

Thirteenth Day.

Senate Chamber
Helena Montana
Dec 5th 1884.
10. o'clock A. M.

Senate met pursuant to adjournment
Mr President in the Chair.

Roll called
and the following named Senators answered
to their names. Messrs Brown. Arrington.
Babcock. Fisher. Hedges. Olds. Rutherford
Thompson.

Prayer by the Chaplain.

Minutes of the previous meeting read
and approved.

Mr President appointed
Hoodman Paynter as Page pro tem.

On
motion of Rutherford, Senate adjourned
until 10. a M Dec 6th 1884.

Frederick Tilton
Secretary pro tem

Fourteenth Day

Senate Chamber
Helena Montana
Dec 6th, 1884
10. o'clock A. M.

Senate met pursuant to adjournment. Mr
President in the Chair.

Roll called and the
following Senators answered to their names
Messrs. Arrington Brown. Babcock. Fisher.
Hedges. Olds. Rutherford. Thompson.

Prayer by the Chaplain.

Minutes of the previous session read and
approved.

On motion of Olds Senate took
a recess until 2.30 P. M.

Senate Chamber
2.30 P. M.

Senate reassembled. Mr President in
the Chair. Roll called the following

Senator answered to their names. Messrs Brown. Fisher. Hedges. Olds. Rutherford Thompson.

On motion of Thompson Senate took a recess for fifteen minutes

2.50 P.M.

Senate resumed. Roll called. with the following senators present. Messrs Brown Fisher Hedges. Olds. Rutherford. Thompson

On motion of Senator Hedges Senate adjourned until 10 o'clock to morrow.

Frederick Gilbert
Secy pro tem.

Eighteenth Day

Senate Chamber
Helena Montana
Dec. 7th 1889
10. o'clock A M

Senate met pursuant to adjournment—
Mr President in the Chair.

Roll called and the following Senators answered to their names. Messrs Fisher Hedges. and Olds

Prayer by the Chaplain.

Minutes of yesterdays session read and approved.

On motion of Senator Hedges Senate stood adjourned until 8. o'clock P M Monday Dec 9th 1889.

Frederick Gilbert
Secy pro tem

Seventeenth Day

Senate Chamber
Helena Montana
Dec 9th 1889. 8 o'clock P M

Senate met pursuant to adjournment— Mr President in the chair. Roll called. with the following Senators present. Messrs. Arnnigton. Brown. Babcock. Fisher. Hedges. Olds. Rutherford. Thompson. Prayer by the Chaplain. Minutes of previous session read and approved.

On motion of Rutherford. Senate adjourned until to-morrow at 10. o'clock A.M.

Frederick Gilbert
Secy pro tem

Eighteenth Day
Senate Chamber
Helena Mont
Dec 10th 1870
10. o'clock A.M.

Senate met pursuant to adjournment. Vice President in the chair. Roll called and the following Senators answered to their names Messrs Armington. Brown. Babcock. Fisher Hedges. Olds. Rutherford. Thompson

Prayer by the Chaplain.

Minutes of the previous session read and approved.

On motion of Fisher Senate took a recess until 11.30 A.M.

Senate Chamber
11.30 A.M.

Senate resumed.

On motion of Fisher Senate took a recess until 2. o'clock P.M.

Senate Chamber
2. o'clock P.M.

Senate resumed Mr President in the Chair. Roll called with the following Senators present. Messrs Armington. Brown. Babcock. Fisher. Olds. Rutherford. Thompson

On motion of Fisher Senate adjourned until to morrow at 10. A.M.

Frederick Gilbert
Secy pro tem.

Nineteenth Day

Senate Chamber
Helena Mont
Dec 11th 1870
10. o'clock A.M.

Senate met pursuant to adjournment. Vice President in the chair. Roll called and the following Senators answered to their names Messrs Armington. Brown. Babcock. Fisher Hedges. Olds. Rutherford Thompson.

Prayer by the Chaplain. Minutes of previous session read and approved. On Motion of Rutherford Senate took a recess for 30 minutes

11. o'clock A.M.

Senate resumed.

Senator Fisher moved a call of the House. Roll called with the following senators absent- Messrs Becker Baker. J Kennedy. Hoffman. McNamara Parberry. Redd & Thornton. On motion of Senator Fisher call was dispensed with

Senator Hedges offered the following

Resolved,

"By the members of the Senate of the Legislative Assembly of Montana. constituting a moiety but not a majority as required by our Constitution to form a quorum for the transaction of business or to complete its organization, having adjourned from day to day until this present Nineteenth day of the session has been reached and it appearing by the late roll call now here made as last all previous ones that the following named Senators elect, to wit: Chas McHoffman. Wm M Thomton Jos A Baker. Wm Parberry. J J Kennedy R G Redd H S Becker. and C J McNamara are absent though at all times within the vicinity and able to be present, and there being no qualified Sergeant at Arms of this Body, now therefore be it ordered in the manner prescribed and set forth in the following order, We will proceed to Compel the attendance of the aforesaid absent members." And that the same be spread upon the minutes of to days session. On motion of Fisher seconded by Brown same was adopted and ordered that a true copy be placed in the hands of M McGuirk temporarily Sergeant at Arms of the Senate.

Mr President appointed Wm J F Kelley temporarily Sergeant at Arms of the Senate.

The following is the warrant placed in the hands of the Sergeant at Arms

State of Montana, S.S.

Whereas, the Congress of the United States did pass an act entitled, "An act to provide for the Division of Dakota into two states and to enable the people of North Dakota, South Dakota Montana and Washington to form Constitutions and State governments. to be admitted into the Union on an

cause Lottery, with the original States,
and to make donations of public lands to
such States" which was approved February 22nd
1889. in which act it was provided among
other things that the Territory of Montana might
become a State and that a Constitutional Con-
vention might be held therein, and for an e-
lection to be held on the first day of October
1889, upon the question of the adoption or rejection
of such Constitution and it did further provide
that such Constitutional Convention might "by
ordnance provide for the election of officers
for full state Governments including members
of the Legislature"; and whereas the Constitutional
Convention so provided for Montana was
duly elected and it formulated a Constitution
and adopted the same and did by ordnance
provide for the election of officers for full
state governments including members of the
Legislature and in said ordnance did provide
that the votes for the members of the legislative
assembly (including this Senate) should be
returned and canvassed as is provided by
law, and returns should be made to the
Secretary of the Territory and canvassed in
the same manner and by the same board
as the vote on the Constitution was to be
canvassed, that is to say by the Governor.
Chief Justice and Secretary of the Territory of
Montana, and whereas said election upon
the adoption or rejection of the Constitution
and "for officers for full state governments
including members of the Legislature" was
so held October 1st 1889, when and where in
due form of law the said Constitution was rati-
fied and approved and officers for full State
Governments including members of the Legislature
were elected, all of which said proceedings
were had, held and conducted pursuant to
law, whereby, there were elected as Senators
being one House of the (Legislative Assembly)
as appears by the returns to the Secretary,
and canvassed and declared by the board aforesaid,
among others the following. that is to say. from
the said Senatorial District of Charles H
Hoffman from the Fifth Senatorial District
Thos M Thornton, from the Eighth Senatorial District
Jos A Baker, from the Ninth Senatorial District
Wm Parberry. from the Tenth Senatorial District
D. J. Hennessy from the Eleventh Senatorial District
R. G Redd. from the Thirteenth Senatorial District
H. J Becker. from the Fourteenth Senatorial District
C. Mc Namara each of whom were elected

and were declared to be elected at said Election by the Board aforesaid from the Districts aforesaid respectively set forth, and no one of which had resigned his said office, and whereas the returns of said election as to the ratification of the said Constitution were by the Governor forwarded to the President of the United States, who on the 8th day of November, A.D. 1889, finding the said Constitution and the Government thereby instituted Republican in form and that the provisions of the said act of Congress had in all respects been complied with in the formation thereof and did issue his proclamation announcing the result of the said election that the said Constitution had been ratified and adopted whereby by force of said proclamation and the law, the said State of Montana became one of the States in the American Union under the Constitution so as aforesaid created, adopted and ratified, and whereas thereafter, to-wit: on the 11th day of November A.D. 1889 the Governor of the said State of Montana did issue his proclamation over his hand and the seal of the State, convening the Legislative Assembly at the Capital at 12.0 clock noon of November 23d 1889 in pursuance thereof the members of the Senate have proceeded to the Capital and at 12. o'clock at noon of said 23d day of November A.D. 1889. or as soon thereafter as they could obtain access to the hall selected by them for that purpose. Eight Senators, to-wit: one half of the whole number provided to be Elected did assemble therein, and were there, then called to order by the Lieutenant Governor, and did answer to their names, and when the names of the aforegoing named members of the Senate were then and there called they were not present in said hall and did not answer to their names. Whereupon on a Call of the house it was found that no quorum was present. the said less number of Senators as by section ten of article four of the Constitution, they might, did adjourn and have adjourned from day to day to the present time none of said named persons aforesaid appearing in said Senate Chamber at any time and whereas the public interests require that a quorum attend on said house and such interest does not admit of further delay, and whereas by the section of the article of the Constitution

last above mentioned. it is provided that a smaller number than a majority of members of each house may compel the attendance of absent members in such manner and under such penalties as such house may prescribe and by Section Thirteen hundred and thirty-three of the fifth division of the Compiled Statutes of the State of Montana it is further provided that whenever at the Commencement of or during the regular or extraordinary sessions of the Legislative Assembly. upon a call of either house it shall be found that no quorum of members is present. or if any member or members shall be found absent upon any such call the members present shall be authorized to direct the Sergeant at Arms, or if there shall be no Sergeant at Arms of such house then any other person, to compel the attendance of any or all the absentees, and whereas. we the undersigned being less than a majority of the Senators pursuant to the adjournment from day to day have now met at the hour to which we had adjourned, and have been called to order by the Lieutenant Governor in session. and have proceeded to call the roll of the Senate and upon such call no one of the Members of the Senate whose names are above recited have answered to their names or been present; but each of them now is as heretofore they have been, absent. notwithstanding this is a session of the Legislative Assembly of the state of Montana, and there being no Sergeant at Arms of this house. Therefore be it ordered by the Members of the Senate here present being less than a quorum that we do hereby direct Matthew McGuire temporarily Sergeant at Arms of the Senate. that taking to himself such assistance as he may deem necessary to compel the attendance upon this Senate forth with, or so soon as he can, bring them within the bar of the same, the following persons, Members of the Senate. to wit: Edd H Hoffman, Wm M Thornton Jno A Baker. Wm Parberry D.L. Kennedy. R.Y. Pudd. H.S. Decker. and E L McNamara using no more force than is necessary to secure the attendance of said Members and each of them within the bar of the Senate, and for the so doing duty this shall be his sufficient warrant.

Witness. our hands at the Capital at the State of Montana. December 14th 1889 And of the Independence of the

United States the One hundred and fourteenth

H L Babcock
L B Olds
J S Thompson
J G Armington
Laurence A Brown
M. E. Rutherford
Cornelius Hedges
Robert Fisher

Attest

J E Richards. Lieutenant Governor

On motion of Brown Senate took a recess until 2.30. P.M.

Senate Chamber
2.30 P M

Senate resumed. Mr President in the Chair:
Roll called with the following Senators present and answering to their name
Mssrs. Armington, Brown. Babcock Fisher
Hedges. Olds. Rutherford. Thompson.

The temporary Sergeant at Arms Mr McGuirk submitted the following report

Mr President. Your temporary Sergeant at Arms to whom was directed your Warrant of Arrest for the following absentee members beg leave to report. I have served such warrant on the following named gentlemen The honorable O H Hoffman Wm Clancy. J.A. Baker. R.G. Redd ~~Wm Thornton~~ W S Decker. who refused to appear but would report by 10 A M to morrow

W McGuirk.

On motion of Senator Fisher Senate took a recess until 8. P.M.

Senate Chamber
8. o'clock P. M.

Senate resumed. Mr President in the Chair. Roll called with the following Senators present. Messrs Armington, Brown Babcock. Fisher. Hedges Olds Rutherford Thompson
The Sergeant at Arms reported his inability to find others of the absent Senators. He was instructed to continue his search and report at 9. o'clock to morrow morning.

On motion of Senator Hedges Senate stood adjourned until 10. A M to morrow Dec 12th

Frederick Gilbert
Secy pro tem

Fourteenth Day

Senate Chamber
Helena Montana
Dec 12th 1889
10. o'clock AM

Senate met pursuant to adjournment
Mr President in the Chair, Roll called
with the following Senators present Messrs
Armington. Brown. Babcock. Fisher. Hedges
Olds Rutherford, Thompson.

Prayer by the Chaplain

Minutes of the previous Session read and
approved.

M McGuirk acting temporarily Sergeant
at Arms reported having Served the Warrant
on Senator Elect J M Thornton and that the
said Senator refused to accompany him to
the bar of the Senate. The temporary Sergeant
at Arms was instructed to complete his
service Mr President reported having
received a verbal message from the
absent Senator stating that having been
unable to see one of their number they were
unable to report at this hour. but stated
that they would report in a body at 2. o'clock

On motion of Brown Senate
took a recess until 2. o'clock P.M.

Senate Chamber
2. o'clock P.M.

Senate resumed Mr President in
the Chair Roll called with the
following Senators present and answered
to their names. Messrs. Armington.
Brown. Babcock. Fisher Hedges. Olds Rutherford
Thompson. Mr President Reported that
the promised report from the absent
Senators had not been received.

On motion Senate
took a recess until 3. o'clock.

Senate Chamber
3. o'clock P.M.

Senate resumed. Mr President in the
Chair The temporary Sergeant at Arms
M McGuirk was instructed to discontinue
the serving of the Warrant and to return
the same to the Senate. Thereupon On Motion
Sergeant at Arms McKelle was instructed to turn over the case of the said to

of Senator Hedges. Senate adjourned
until to-morrow at 10 o'clock
Frederick Gilbert-
Secretary pro tem.

Twenty first Day

Senate Chamber
Helena Montana
Dec 13th 1889
10.o.clock A.M.

Senate met pursuant to adjournment. Mr
President in the Chair. Roll called with
the following senators present. Messrs Ammondson
Babcock. Fisher. Hedges. Olds Rutherford.
Prayer by the Chaplain.
Minutes of the previous sessions read and
approved. On motion of Senator
Olds Senate adjourned until to morrow
at 10.o.clock

Frederick Gilbert
Secy pro tem

Twenty Second day

Senate Chamber
Helena Mont
Dec 14th 1889
10 o'clock A.M.

Senate met pursuant to adjournment. Mr
President in the Chair. Roll called with
the following senators present Messrs
Fisher Hedges and Olds Prayer by the
Chaplain Minutes of yesterday's
session read and approved. On
motion of Fisher Senate adjourned
until 10.o'clock Monday

Frederick Gilbert
Secy pro tem

Twenty fourth day

Senate Chamber
Helena Mont
Dec 16th 1889
10 o'clock A.M.

Senate met pursuant to adjournment
Mr President in the Chair
Roll called with the following Senators
present and answering to their names
Messrs Arrington. Brown. Becker. Baker
Babcock. Fisher. Hedges Hennessy. Hoffman
McNa Mara. Olds Parberry. Redd Rutherford
Thornton. Thompson.

Prayer by the Chaplain.

Minutes of the previous Session read
and approved.

Mr President announced
Senators Hedges and Parberry a Committee to
wait upon Chief Justice Blake and request
his presence for the purpose of administering
the oath of office.

The Chief Justice appearing
the following oath was administered and
duly subscribed to by Senators. Becker.
Baker. Hennessy. Hoffman. McNa Mara
Parberry Redd and Thornton.

I do solemnly swear (or affirm) that I will
support protect and defend the Constitution
of the United States and the Constitution
of the State of Montana, and that I will
discharge the duties of my office with
fidelity, and that I have not paid or
contributed. or promised to pay or contribute
either directly or indirectly any money
or other valuable thing to procure the
nomination or election (or appointment)
except for necessary and proper expenses
expressly authorized by law, that I have
not knowingly violated any election law
of this state, or procured it to be done
by others in my behalf; that I will not
knowingly receive directly or indirectly
any money or other valuable thing for the
performance or non-performance of any
act or duty pertaining to my office
other than the compensation allowed by
law. So help me God.

Sworn to and subscribed
before me this 16th day of December A D 1889
Henry N Blake
Chief Justice of Montana

The foregoing oath was duly sworn to by Senators J U Baker of Choteau County
R S Rudd " Custer "
H S Becker " Dawson "
H M Thornton " Deer Lodge "
D M^c Namara " Fergus "
A Hoffman " Gallatin "
Wm Parberry " Meagher "
D Hennessy " Silver Bow "

On motion of Senator Hedges Senate took a recess for 15 minutes

Senate Chamber
10.30 A M

Senate resumed.

Chief Justice Blake informed the Senate that the oath of office had been signed by all of the Senators and that said oaths would be filed with the Secretary of State

On motion of Senator Olds Senate adjourned until to-morrow at 10 o'clock AM

Frederick Gillett
Secy pro tem

Twenty fifth day

Senate Chamber
Helena Montana
Dec 17th 1889
10.0 o'clock A.M.

Senate met pursuant to adjournment
Mr President in the Chair. Roll called
with the following Senators present and
answering to their names. Messrs
Armington. Babcock. Baker. Becker
Fisher Hedges Hennessy. Hoffman.
Mc Namara Olds. Parberry. Rudd
Rutherford Thompson and Thornton
Prayer by the Chaplain.
Minutes of the previous session
read and approved. Mr
President informed the Senate of the
receipt of a communication from the
Governor accompanied by the following
letter.

Executive Office Helena Mont Dec 17th 1889

To the President of the Senate

I have the honor to transmit herewith
a communication required by the

Constitution to be made at the beginning of each session. While I have deviated from custom in transmitting this message before your body is organized, I hope the importance of the subjects considered therein will justify a departure in that respect which is not without great precedents

By the Governor. Jos. K. Toole.

Message from the Governor.

To the President of the Senate and the Speaker of the House of Representatives.

Constitutional government has been conferred on us and for the first time we undertake the management and control of our own affairs. The responsibility rests with us. It is in our power to make this the great state of the Union or to hamper and dwarf it for all time. In view of the difficulties which have attended the convening of the first Legislative Assembly under the State Constitution I yield the opportunity which precedent has established to indulge in the patriotic sentiments which such an occasion under different circumstances might inspire. I am content to congratulate you and the country upon the acquisition of another commonwealth of such magnificent proportions and great possibilities. The grandeur of wealth with which prodigal nature has endowed her and the intelligence and aspirations of her people justify my prediction that financially and politically Montana will be a column of strength in the national fabric, supporting with steady might her share of the public burdens and forming an element of national greatness which can but redound to the honor and glory of the Republic. We were uniformly prosperous as a territory and starting out under such favorable auspices our progress ought to be phenomenal. Having full confidence in your ability to provide the necessary machinery to put the state government in operation, and being fully assured of your patriotic desire in that respect, I promise you my active and cordial cooperation to that end.

In obedience to a constitutional provision I now lay before you such information of the State as I possess, and certain recommendations for your consideration.

Financial Condition.

After the payment of all outstanding claims and indebtedness of every character, I think the State will on January 1st. ensuing, have a small amount

not exceeding Five Thousand Dollars in the Treasury. Our exact financial condition together with an estimate of the amount necessary to defray all expenses for the ensuing two years will be presented hereafter.

Legislation Required By the Constitution.

I call your attention generally to the following sections of the Constitution which require legislative action to give them effect:

Sec. 15, Art 3, Sec. 23, Art. 3, Sections 4, 5, 28, 30, 42 and 43 Art. 5. Sec. 2 Art. 2, Sections 2, 8, 9, 17 and 20 Art. 7. Sections 4, 9, 19 and 34, Art. 8. Sections 1 and 5 Art. 10, Sections 1, 4, 6, 10 and 11 Art. 11. Sections 1, 13 and 15 Art. 12. Sections 5 and 6 Art. 13, Sections 2, 3 and 4 Art 14, Sections 4, 7 and 20 Art. 15 Sections 1 and 3 Art. 17, Sec. 1 Art. 18, Section 3, 4 and 7 Art 19,

The legislation suggested by many of these citations are of paramount importance and without which the wheels of government will be clogged.

The Penitentiary.

The Penitentiary formerly belonging to and under control of the United States, has now become the property of the State. The same with the lands connected therewith were granted to the State by the act providing for our admission into the Union. Under our territorial organization the control and management of this institution was under the exclusive jurisdiction of the United States with whom the territory contracted for the maintenance and support of its prisoners. In providing for the change from territorial to state government, no provision was made to cover the period between the date of admission and the time when the Legislature should provide for the proper management of the same. Temporarily the United States Marshal is in charge under the contract between the territory and the United States.

It is therefore important that you should make early provision for its government and maintenance. I therefore recommend that a warden be provided who may be authorized to employ such guards and assistants as you may deem proper, who shall have the control and management of the Penitentiary under proper restrictions subject to the supervision of the board of State Prison Commissioners. On the 10th. day of October A. D. 1889, the United States Marshal reported to Governor B. F. White, late governor of Montana Territory, that there were confined in the Penitentiary one hundred and seventy three convicts, and that the number would be greatly increased rather than diminished in the future. The capacity of the Penitentiary is

only for one hundred and forty persons. It is therefore apparent that the present overcrowded condition of this institution is a constant menace to the security of the persons confined therein, as well as dangerous from a sanitary point of view. The present United States Marshal whose opportunities for observation have been superior to mine, and whose judgment is worthy of great consideration, in a communication to Governor White under date of October 10th. 1889, says:

"In order to be of some use to you and to the Legislature, I would most respectfully suggest as absolute necessities:

The construction of a new cell house to contain at least forty eight double cells, ten by eight feet by ten; a suitable kitchen with dining room for officers and one for prisoners. A Warden's house a system of steam heat, a system of sewerage and other minor improvements.

Around the whole, enclosing as much as is deemed proper of the twenty acres of land granted by the United States, should be built a strong suitable prison wall.

I believe the whole of this can be done out of an appropriation of forty thousand dollars; and in view of the investment the territory can make to its better advantage.

Should matters remain in the condition they are, the force of guards will soon have to be largely increased to insure the custody of the prisoners. There is now paid out for guard hire about thirteen hundred dollars per month. Every additional guard costs at the government rate of pay for salary and board about one hundred and five dollars per month; there ought to be added now at least two more guards, and had the United States retained control of the Penitentiary my request therefor would have been granted.

There are about twenty prisoners confined in an improvised log jail building situate within the present yard and perilous as it is, they and many others to come, must be confined there every until the legislature meets the exigency of the situation.

Unless prompt and efficient aid is given to the State management of the Penitentiary at wholesale delivery is not among the grave improbabilities. The shot gun and rifle is just now the most necessary auxiliary in the detention of bad characters confined in the Montana Penitentiary."

Without endorsing these recommendations I commit the subject to your careful consideration and investigation with the hope that speedy and proper legislation

may be had on the subject.

Insane.

The insane of the State are supported under a contract between the Territory of Montana and Doctors Mitchell and Missingbrod at Warm Springs, Deer Lodge County, at $8 per week, making the expense to the State of about seventy five thousand dollars per annum. The number is increasing rapidly, the last report showing 184 patients maintained at public expense. The maintenance of the insane and the Penitentiary will form the largest items of expense under our State government. The proper treatment of those unfortunates committed to the asylum at the least possible expense to the State, calls for the exercise of your best judgement. I am not prepared at this time to say that any new arrangements would be advantageous to the State or the persons confined therein, but in view of the great and growing expense in that behalf, I urge the most thorough investigation of the subject.

State Militia.

Section 3 Article 14 of the Constitution makes it incumbent upon the State to maintain the Militia by appropriations from the State Treasury. The view of this provision and the great drain which this organization is making upon the treasury, it becomes a question of the gravest concern how to maintain the Militia so as to preserve its efficiency in case of danger, and at the same time reduce the expense to the minimum. I submit that all salaries per diem and other extraordinary expenses must be materially reduced or entirely done away with. The annual encampments now provided for by law may be beneficial as a matter of discipline to officers and men, but I cannot believe that the advantage is at all commensurate with the expense to the people. It is obvious that with the new burdens of expense which a state government imposes and which are absolutely necessary to the administration of its affairs, the most rigid economy must be practiced in every department of Government.

The expense of the State Militia or National Guard as far as can be ascertained

for the past year, including the building of an arsenal, will amount to $44-3,000, an increase over last year of about $32,000.

I commend this subject to your careful consideration, and earnestly hope that you may find it practicable to materially reduce the expenses of this organization without impairing its usefulness.

This it seems to me may be effected in the manner above suggested, and by repealing the law providing for annual encampments.

State Institutions and Public Buildings.

With the exception of the Penitentiary at Deer Lodge and the arsenal now in course of construction at the seat of government, the State has no institutions or Public Buildings. Provision, however, is made by Sec. 1 of Art. 10 of the Constitution for the establishment and support by the State of educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, soldiers home, and such other institutions as the public good may require.

While the establishment of these institutions is made mandatory by the Constitution, no time is fixed when legislative action shall be taken. In view of the increase of expense to the people consequent upon a change from territorial to state government and the limitation placed by the Constitution upon the public expenditures, I hope no effort will be made at this session to provide for the construction of such buildings.

It might not be unwise, however, if the location of these institutions should be the subject of early consideration and settlement.

The longer that is delayed the greater will be the struggle between aspiring sections of the State for recognition in that behalf and pending such consideration the interests of good legislation may be subordinate, if not entirely ignored. In this connection it is proper to call your attention to the fact that legislation will be required to give force and effect to Sec. 2. of Art. 10. of the Constitution providing for the permanent location of the seat of government, the manner of submission, the method of canvassing the votes, and the details generally should be provided for.

Fees of County Officers.

Your attention is directed to the present fee bill of the respective County Officers. The complaint is universal that the fees under the territorial laws and which are now injected into the State Statutes are unreasonable and excessive. While all officers should have fair and just compensation and ought to be consulted in the establishment of fees, the citizen ought not to be compelled to surrender to entirely to their demands.

I recommend therefore a complete revision and adjustment of the present law fixing the fees of County Officers so as to make them approximately commensurate with the services rendered and that all fees collected be paid into the respective county treasuries, and that in lieu thereof salaries be paid to such officers.

State Officers.

Such of the State Officers as are required to reside at the seat of government are temporarily quartered at the Court House where reasonably good accommodations are provided for most of them. No provision of law by which any officer is permitted to contract for the rental or leasing of offices.

The County Commissioners of Lewis and Clarke County, relying upon the State to ratify the action of the occupants, have furnished and delivered the possession of offices to the following persons; the Governor, State Auditor, Chief Justice, State Treasurer, Secretary of State and Attorney General.

Many of the offices are without furniture and others are inadequately supplied. I shall have occasion to refer to these items in an estimate of the expenses of the Government for the ensuing two years which will be hereafter furnished. It becomes necessary that provision should be made for the continued occupancy of the present or other quarters of the State Officers, and that the necessary contracts should be authorized and made to that end.

Public Lands.

The act providing for our admission into the Union grants to the State public lands which if properly selected managed and controlled,

will place Montana second to no state in the Union in respect of educational and other institutions for which the grant was intended. It is therefore of the highest concern to the people that speedy legislative action should be had, providing for the early selection of these lands. Every day that passes, lessens the value of the grant by affording opportunity for individuals to initiate settlements and rights under the land laws of the United States which will be superior to ours until the selections are made.

I call your attention to Sec. 10 of the Enabling Act referred to and other sections of the same act relating to the same subject. Sec. 1 Art 18 of the Constitution seem to contemplate the creation of a Board of Land Commissioners whose duty it shall be to classify all such lands. It appears to me that this board should be charged with the duty of making the selections provided for in Sec. 10 of the Enabling Act above referred to. I may have occasion to make this matter the subject of a separate communication hereafter, but for the present make no other recommendations concerning the same, except, that in any provision you may make for the sale or leasing of public lands belonging to the State, preference should be given to actual settlers, who in good faith located upon School Sections by mistake or who believing such preference would be given, have made valuable improvements upon the same.

These two classes of persons should be protected, the former for the reason that the failure of the general government to extend the public surveys, made it impossible in many cases to distinguish a school section from any other section and the latter for the reason that the constitution adopted and ratified by the people in 1884, contained a provision similar to the recommendation above made and upon which numerous persons have relied and made settlements accordingly.

Last as it seems probable, the federal government shall ultimately aid in the establishment of a system of irrigation and the storage of water by means of reservoirs, no man can approximate the value of these lands to the state in the future. I make this observation to guard you against the demands of those, who eager to monopolize our lands, will doubtless be on hand to urge a hasty

and reasonable distribution thereof.

Sale, Rental & Distribution of Water.

One of the most salutary provisions in our declaration of rights is that which makes all the water now appropriated or which may hereafter be appropriated for sale, rental, distribution or other beneficial purposes, a public use. Under this provision I assume that you are invested with ample authority to provide by appropriate legislation against excessive and extortionate charges by individuals, companies or corporations, engaged in the sale, rental or distribution of water, and to prevent the unjust discrimination in the disposition of the same to the public. In my opinion the right of the State to regulate this subject should be asserted and maintained. I accordingly invite your attention to this matter as one worthy of your early consideration.

Irrigation

Every person who is conversant with our climate and the character of our soil, must know that great possibilities await a general and comprehensive system of irrigation of our lands. I do not think the public is interested in holding a vast empire as a mere cattle range for the owners of large herds of stock. Upon the contrary, it will be a glad day for Montana when these immense lands are broken up and the stock interests of Montana shall be divided among the yeomen in small lots. This will insure their proper feeding and shelter, furnish employment to large numbers of persons who must else be provided with the necessaries of life, all of which will be conducive of a more equal prosperity to the State. I therefore suggest that you memorialize Congress to give all possible aid to the scheme of the Director of the Geological Survey, looking to the reclamation of our desert lands by a system of governmental irrigation by means of reservoirs, dams, etc.

Corporations.

The organization of Corporations to carry on

large enterprises has become a necessity in this and other states, the development of our resources and the carrying forward of projects for the public good in many instances are of such magnitude and require an outlay of such large amounts of money that private capital cannot be induced to embarke in them. The law should provide for the incorporation of such, but I condemn as bad legislation the existing statute, intitled from the Territory, which permits any character of business and industry to become the subject-of an incorporation, whereby the liability of the stockholder is limited. No one but a creditor is entitled to see the books of the corporation, and hence a person dealing with such concern in the first instance is at a disadvantage. I recommend the modification of existing laws so that corporations may be formed for the following and such other purposes as may be considered proper and which shall be specifically provided for, and no other:

First. The support of public worship;

Second. The support of any benevolent, charitable educational or missionary undertaking

Third. The support of any literary or scientific undertaking, the maintenance of a library; or the promotion of painting, music or other fine arts;

Fourth. The encouragement of agriculture and horticulture;

Fifth. The maintenance of public parks, and of facilities for skating and other innocent sports;

Sixth. The maintenance of a club for social enjoyment;

Seventh. The maintenance of a public or private cemetery;

Eighth. The prevention and punishment of theft or wilful injury to property, and insurance against such risks;

Ninth. The insurance of human life, and dealing in annuities;

Tenth. The insurance of human beings against sickness or personal injuries;

Eleventh. The insurance of lives of domestic animals;

Twelfth. The insurance of property against marine risks;

Thirteenth. The insurance of property against loss or injury by fire; or any risk of inland transportation;

Fourteenth. The transaction of a banking business;

Fifteenth. The construction and maintenance of a railway and of a telegraph line in connection therewith;

Sixteenth. The construction and maintenance of any other species of roads, and of bridges in connection therewith;

Seventeenth. The contruction and maintenance of a bridge;

Eighteenth. The conetruction and maintenance of a telegraph line;

Nineteenth. The establishment and maintenance of a stage line

Twentieth. The establishment and maintenance of a ferry;

Twenty first. The building and navigation of steamboats, and carriage of persons and property thereon;

Twenty second. The supply of water to the public;

Twenty third. The manufacture and supply of gas, or the supply of light or heat to the public by other means;

Twenty fourth. The transaction of any manufacturing mining mechanical or chemical business;

Twenty fifth. The transaction of a printing and publishing business;

Twenty sixth. The establishment and maintenance of an hotel;

Twenty Seventh. The erection of buildings, and the accumulation and loan of funds for the purchase of real property;

Twenty Eighth. The improvement of the breed of domestic animals, by importation, sale or otherwise; or,

Twenty Ninth. The construction of canals and reservoirs for conveying and storing water and the boring of artesian wells.

The Supreme Court

Under the provisions of Sec. 3 Art. 8 of the constitution the Supreme Court is empowered to summon a jury when required to determine an issue of fact. It will be necessary for the Legislature to prescribe by law the manner in which such jury shall be summoned. There is no statute which governs this contingency.

Under the provisions of Sec. 4 of the same Article, the Legislative Assembly should fix the time for holding the terms of the Supreme Court, or confer the authority upon the Justices to regulate them. I think the number of terms should be increased to four, and that the Assembly should designate them. This legislation would secure a speedy hearing of appeals and render certain the day when they could be heard.

Clerk of the Supreme Court.

The Constitution has deemed the office of Clerk of the Supreme Court of such importance, that it has required him to be elected by the voters of the whole of the State. The fees allowed for his services should be revised, and when collected paid into the Treasury. This officer should receive a salary.

Code Commission.

The important work of preparing the four codes authorized by the Act of March 1st 1889. was committed to a commission which was required to report them to the next ensuing Legislature. The Commission has been

industriously engaged in the work since the adoption of the State Constitution and has completed and filed with the Secretary of State the "Civil Code". I am in receipt of a Communication from the Chairman of the Commission under date of November 13th 1889 from which the following extract is made:

"The Commission found it impossible to commence the work contemplated by the act creating it, until after the formation of the State Constitution which was completed on the 17th. day of August. 1879. Soon after that date the Commission commenced its labors and has worked continuously ever since that time with the following result; We have completed, and filed with the Secretary of the State "The Civil Code" which occupied all of our time every day for nearly three months. We find the work of such a character that it cannot be hurried and well done. The code already completed might be improved if we had more time to bestow upon it, but the act creating the commission requires three of the codes to be submitted to the next Legislature. Probably it was in the contemplation of the Legislature that authorized the creation of the Code Commission that the next Legislature would not meet for two years, thus giving the Commission two years to perform its labors. At any rate we find it impossible to complete three of the Codes in time to submit to the Legislature which is called to meet on Nov. 23 1889. It appears to us that the four Codes authorized by the Act aforesaid, should all be submitted to the Legislature at the same time.

Necessarily each of the Codes contain sections and provisions that refer to each other, and unless all of the Codes go into effect at the same time many of the sections and provisions will be inoperative and void.

The Constitution has not only provided an entirely new system of Courts for civil business, but has made a radical change in the manner of prosecuting criminal cases, and the Commission finds that much time and labor will be required to formulate the necessary statutes by which changes made by the Constitution can be put in operation and carried into effect.

We therefore suggest that the Commission be given further time in which to complete its work."

While it is desirable that this work shall be completed at the earliest practicable time, every consideration of public policy dictates that sufficient time should be given to insure such thoroughness as will be a guarantee that the work when completed will be well done. I accordingly concur in the suggestion of the Chairman of the Code Commission above referred to, and recommend that such further time be given to report, as may be deemed necessary.

Labor.

Provision is made in the Constitution for a bureau of Labor and industry, to be located at the Capital, and to be under the control of a commissioner to be appointed by the Governor and subject to confirmation by the Senate. I regard the creating of this office as of the greatest importance to the State. It will be the medium through which can be collected and preserved authentic statistics and information generally of great value in the adjustment and perfection of future legislation. While our population is small and our industries comparatively few, the salary should be moderate.

Public Examiner.

Sec. 8 of Art. 7 of the Constitution makes it your duty to provide for a State Examiner, and in addition to the duties specifically enjoyed upon the official by the Constitution he is required to perform such other duties as the Legislature may prescribe.

His compensation should be fixed by law.

Board of Pardons.

The Constitution has provided for a Board of Pardons, to consist of the Governor, Secretary of State and Attorney General. Before the power to pardon can be exercised, the Legislative Assembly must provide the time and place of meeting of the board, and regulate generally its procedure.

A large number of applications were pending at the time I qualified as Governor, and several have been filed since that time. I have directed your attention specially to this subject with the hope that appropriate legislation may be speedily enacted.

Homestead and Exemptions.

Homestead and Exemption laws are the out-growth of our civilization, and in all enlightened communities, there is a universal concurrence of sentiment in favor of making them broad and liberal. Society owes something to the wife and children, and the creditor who trusts the reckless and improvident, ought not to be permitted to pursue the former to destitution. I therefore recommend that in obedience to the Constitution, liberal homestead and exemption laws be enacted.

Registration.

The Constitution give the Legislature power to enact suitable Registration laws.

The schedule annexed to the Constitution provides for continuing in force all laws of the Territory not inconsistent with the Constitution or the Constitution and laws of the United States. By this the registration law enacted by the last Territoral Legislature becomes a part of our State Statutes.

While the Legislature ought to throw around the ballot every safe guard against fraud and repeating, and a proper registration law is conducive to that end, the present system overshoots the mark and operates to disfranchise many good citizens of this State whose votes are entitled to be cast and counted. In my opinion no registration should be required as a condition precedent to voting in remote and sparcely settled communities. The facilities for transportation are inadequate in such sections of the country and those afforded expensive and often beyond the means of voters. Mountain ranges are sometimes required to be crossed and the distances required to be travelled has been shown to be in some instances as much as one hundred miles and not infrequently from twelve to twenty miles. The result of this is that the rancheman, the stockgrower and the prospector, who for a large part of our population, and who are generally impecunious and unable to bear the burden of such an expense and loss of time as the present system necessarily entails, are compelled to remain at home and are then by disfranchised on election day. To obviate this wrong done the citizen I recommend that the present registration law be so amended that registration shall not be required except in incorporated cities or towns hav-

ing a given population. It is in the latter places the citizen of population where low breaks and malfeasions congregate and repeating and fraud are practiced, and not in remote districts where every man knows his neighbor and a stranger is at once observed. I believe that it is an undue and unnecessary burden on the citizen to require him to register every time there is a general election. Having once registered that ought to be sufficient for at least six years. I therefore recommend such modifications of existing laws as will remedy the evil.

Purity of the Ballot.

The last territorial Legislature inaugurated a ballot reform that is worthy of note. While the Australian system of voting as a whole does not come up to public expectation, it is nevertheless a departure in the right direction, and its general acceptance by the people with some modification, in my opinion is assured. There should be no abatement of public interest in legislation designed to be, if instead of printing of all the names of all of the candidates on one ticket, there names should be on separate tickets representing the party whose political principals they avowed and which might be taken into the voting place by the voter. I recommend this modification in the law. The percent system is tantamount to an educational qualification on the one hand, or a complete surrender upon the other to Judges of election who in many cases are incompetent and in some cases venal. The time is too short to point out the many imperfections of a law which was well tended, but which to the most casual observer in the light of observation and actual experience has been demonstrated to be very crude. If this system can be simplified and at the same time preserve its essential qualities, in my opinion, it will popularize politics and in the end secure the most perfect reflection of the popular will of any system ever inaugurated. It stimulates courage in the dependent to vote according to his conscientious convictions and above all it strikes savagely at the method of machine politics and promises its complete annihilation. In other words, simplified and properly guarded, it secures to the voter the largest freedom of thought, independence of action and execution of judgment of any system which has ever been obtained to my knowledge.

If our institutions are to endure and the honor, integrity and prosperity of the State are to continue to be the hope and anchor of the citizen, the voice of the people expressed at the polls, without hindrance or intimidation must be sedulously guarded and maintained at all hazards.

The duties of the officers charged with the responsibility of declaring the result of an election should be made so explicit and the punishment for misconduct made so severe that the temptation for venal treachery at vital points will be forever removed. I call your attention to the unusual and unnecessary expense in the matter of printing which the present election law entails upon the people. It should be framed to meet only necessary and proper expenses.

Constitutional Amendment.

Conscious of the fact that the Constitutional Convention which formulated and adopted our Constitution committed a grievous mistake in providing for the apportionment and representation of Senators by which population, the only just basis of representation under our form of Government, was wholly ignored, I call upon the Legislative Assembly at the first opportunity to provide for the early submission of a constitutional amendment whereby this inequality may be speedily corrected.

Indian Reservations.

The large Indian reservations within our borders which were set aside by the general government, embraces some of our best agricultural lands, and are far in excess of the requirements of the Indians, and who are no longer able or compelled to live by the chase, but in every instance are the recipients of bounties from the government. The buffalo and wild game which once abounded upon these great reservations are practically extinct, and with their departure disappeared the only reason for the maintenance of large areas of land for the occupancy of the Indians. I therefore hope that you will memorialize Congress to compel a speedy selection and acceptance of these lands by individual members of Indian tribes, and for an early restoration of the remainder to the public domain.

Expenses of Constitutional Convention.

The Twenty Thousand dollars appropriated by Congress to defray the expenses of holding the late Constitutional Convention, was inadequate for that purpose

Additional clerk hire and other offices, including a stenographer, and a stenographic report of the proceedings of the Convention, was by resolution of the Convention, declared to be necessary and proper for the convenient and orderly dispatch of its business. To cover these extra expenses, the Convention adopted an ordinance appropriating the following sums for the following purposes respectively, and declared the same to be charges against the State of Montana. The item for the Stenographic report is an approximation but of course is capable of being rendered certain when the report is filed:

John Trumbull	Clerk	220.00
E. C. Garrett	"	215.00
John McKay	"	220.00
Lee Swords	"	215.00
Edward Kerr	"	215.00
Henry Bernard	"	215.00
Miss Jennie Merriman	"	160.00
William Taylor	"	55.00
William Green	asst Sergt. arms.	175.00
Morris Laughorne	Page	172.00
Cornelius Hedges	"	172.00
Wm D. Alexander	"	172.00
Henry Bernard.	for supervising the printing of the Constitution & Typewriting	100.00
Lee Swords	for acting as Clerk of Com & on address	25.00
C. P. Connelly	Stenographer	675.00
" " "	Transcript of proceedings and debates of Constitutional Con. (Estimated)	3.500.00
Printing 20.000 copies of the Constitution (Estimated)		2.100.00
	Total	$8.606.00

I therefore recommend that the same be paid by the State and that Congress be memorialized to reimburse the State as it intended by its Enabling Act, to cover all the expenses of the Convention [illegible] as this ordinance may not be submitted to the people for ratification & by them ratified legislation is required to give it effect.

The Court in Silver Bow County.

The most unseemly condition of affairs exists in Silver Bow County. Two persons are assuming to act as Judge of the District Court in that County. One has behind him the decision of a Court of Competent jurisdiction establishing his right to the office. The other has the Certificate of the late Governor of

the Territory. Pending this Controversy
litigants are are without the tribunals for the
settlement of their grievances. The estates of
deceased persons are jeopardized, business
generally in a state of suspended animation
and the Courts are brought into contempt.

The case in which the rights of the disputing
claimants are involved is now on appeal to the
Supreme Court it having been decided that no
stay of proceedings was allowed. From
what has been said heretofore You will observe
that I assume that Legislation is required
fixing the terms of the Supreme Court before
that case can be ultimately disposed of.
This situation of affairs is of serious
concern to the citizens of Silver Bow County
in particular and to the people of the entire
State in general and I may add that it is
or it ought to be humiliating to the pride of
every citizen of this State. I recommend that
provision be made for holding a term of the
Supreme Court at the earliest practicable
time in order that this matter may be speedily
and finally determined

The power Committed
to our hands involves a sacred trust. The
manner in which it is exercised will invite
public approval or condemnation. At no
time since our territorial organization has
there been such a large number of citizens
who vote independently of past party affiliations.
The judgment of these is stern and severe, a
wise exercise therefore of this power by
the Executive & Legislative branches of the
Government will invite public confidence
and furnish cause for congratulations upon
our assumption of the new and full fulling
dignity of statehood

Whenever, for supposed
political advantages, the honor, the welfare
and the glory of the State is trafficked to
partizan ends the inevitable penalty must
be destruction of public confidence and
disaster at the polls.

Dual House of Representatives.

Two bodies are now sitting, each claiming
to be the Legal House of Representatives
one assembled & sitting in the place designated
by the Executive for that purpose. The other
assembled in a place designated by the
State Auditor and is now sitting in another

place of his own choosing. This condition of affairs has prevailed for more than three weeks. It was born of impulse, passion has had time to cool, and returning reason ought to assert itself. It is high time that personal ambition should be subordinated to patriotism and the wheels of government be permitted to roll. It is to be regretted that the body wrongfully assuming to be the House of Representatives and to meet in the place designated by the Auditor misinterpreted the proclamation of the Executive as well as the letter of instruction to Captain Smith, as claimed by the report adopted and promulgated by the Committee fully appreciating the wide distinction between the Executive and the Legislative departments of the governments and the independence of each as contemplated by the Constitution and desiring to be fairly considered by my country men honor bids me forget pride and will not permit me to conclude this message without putting on record a solemn and public refutation of the charge "that the Governor by his proclamation or otherwise at the time it was issued or at any other time, ever intended to interfere with the right of any person claiming to be a member of the House of Representatives to his seat" or "that it was the intention of the Governor to cause the said intended to the said John Smith until after the temporary organization of the House of Representatives and by virtue of his control of the room in which the people's representatives were to assemble, to dictate who should enter therein." While the Constitution provides "that the Supreme Executive power of the State shall be vested in the Governor who shall see that the laws are faithfully executed;" no authority was ever assumed except to "declare the law" in the hope that those persons who had the proper certificates of election would abstain from participation in the organization of the House. The facts disclosed in the proclamation justified the Executive at that time in the hope that such a course would be pursued, but no intimation was ever given that force would be employed to that end. In the light of the past it is probable that the language of the proclamation may have had some tendency to believe that the Executive was more fully sustaining

upon the Legislative branch of the government, but conscious of the fact that no such purpose was intended I can upon those records extract members who claim to have been misled by the governor's call, rest upon a manner punctilio in the presence of public threatening danger & the call, I ask to join with this colleagues in the transaction of the public business.

Of Course there can be but one legal house of Representatives No legislation can be had until that point is settled and acquiesced in by the Senate and the Executive Let us hope that Your Wisdom may provide a speedy and satisfactory solution of the pending difficulties. Every consideration demands an amicable adjustment of such a thing is possible and I earnestly hope for such a result. But important as this session has been shown to be it is better that it should lapse and all legislation fail than that the principals upon which our government is founded should be treated as a mere Comodity to be exchanged ad libitum to promote the aspirations of men for office I therefore hope that all your negotiations looking to the settlement of this perplexing question you will have an Eye single & a mind devoted heart, for what in your best judgement, you Consider to be the true interest of Your Country. When this is done our efforts to serve the State nobly & well will be crowned with success: the burthens of taxation will be let us hope, be mitigated? Justice will be peacefully enthroned in the temples now claimed by Condemning Judges? the friction (from hopes of statehood will, in a measure, be removed & government will be felt, if at all, most in its benefits and least in its restraints.

Jos K Toole
Governor

Executive Office
Helena Mont
Dec 17th 1889

On motion of Senator Hedges, seconded by Senator Becker the message was ordered laid upon the table pending the formation of the other Committees.

Senator Hedges moved an adjournment until 12.0'clock M. to Morrow. Motion. Carried and Senate stood adjourned until that hour.

Frederick Gilbert
Secy pro tem.

Twenty Sixth day.

Senate Chamber
Helena Mont
Dec 18th 1889
12. M.

Senate met pursuant to adjournment. Mr President in the Chair. Roll called with the following Senators present and answering to their names.

Messrs. Arrington. Babcock. Baker. Becker
Fisher Hedges Kennedy. Hofman
Otis Parberry. Redd Rutherford
Thompson Thornton.

by the Chaplain. Prayer Minutes of the previous session read and approved.

On motion of Senator Hedges. Senate stood adjourned until to Morrow at 10.0'clock.

Frederick Gilbert
Secy pro tem.

Twenty Seventh day

Senate Chamber
Helena Mont
Dec 19th 1889
10.0'clock A.M.

Senate met pursuant to adjournment Mr President in the Chair. Roll called with the following senators present and answering to their names

Messrs

Armington. Babcock. Baker
Becker Fisher Hedges
Kennedy Hoffman ~~McGowan~~
Olds Carberry Redd
Rutherford Swabeck Thornton

Prayer by the Chaplain.

Minutes of the previous session read and approved.

Mr President announced the swearing of Senators Brown and McNamara for three days. Commencing with yesterday Dec 18th

On motion of Senator Hedges Senate took a recess until 2. o'clock P.M.

Senate Chamber
2 o'clock P.M.

Roll called. present and answering to their names. Senators

Armington Babcock. Baker. Becker
Fisher Hedges Kennedy Hoffman
Olds Carberry Redd & Rutherford
Thompson Thornton.

On motion of Senator Hedges seconded by Fisher the Senate proceeded to elect a President pro tem in accordance with the Constitution. Nominations being called for Senator L D Olds was placed in nomination. Mr President appointed Senators Babcock and Baker as tellers Senator Baker asked to be excused Senator Thompson appointed in his stead. Ayes and Noes were called for by Senator Baker. and placed by the Chair. Ballots were cast and Senator Olds was declared duly elected. Ayes 7. Noes 0. No other votes were cast

Senator Fisher offered the following resolution. seconded by Babcock. * Senator Baker* moved as an amendment that it be laid upon the table. lost by the following vote Ayes 7 Noes 7 Amendment lost The original motion was then adopted.

Resolved

That the Senate do now proceed to the election of the officers and attaches of this body and that the rule of this Election shall be, that a plurality of votes shall elect in each and every case, until permanent rules are adopted governing this body.

The election of Secretary of the Senate
being in order Senator Rutherford nominated
Frederick Gilbert of Missoula County
there being no other
nominations Ballots were cast. and
he was declared duly elected. Ayes 6. Noes 0
there being all the votes cast.
For Enrolling Clerk. Senator Thompson nominated
Mr Pierce T Hoopes. there being no other
nominations Ballots were cast and he was
declared duly Elected. Ayes 7. Noes 0. There being all the votes
cast.
For Engrossing Clerk Senator Fisher nominated
J F Kelly. there being no other nominations
ballots were cast and he was declared duly
elected. Ayes 7. Noes 0. There being all the votes cast.

For Sergeant at Arms Senator Fisher nominated
Matthew McGuirck of Jefferson County. there
being no other nomination ballots were
cast and he was declared duly elected.
Ayes 7. Noes 0. There being all the votes cast.
For Chaplain. Senator Olds nominated the
Rev G. K. Berry. there being no other nominations
Ballots were cast and he was declared
duly elected. Ayes 7. Noes 0. There being all the votes cast.

For Watchman Senator Hedges nominated
Robert Jackson. there being no other
nominations ballots were cast and he
was declared duly elected, Ayes 7. Noes 0. there
being all the votes cast.
For Page Senator Babcock nominated Woodman
Laughter. there being no other nominations
Ballots were cast and he was declared
duly elected. Ayes 7. Noes 0. There being all the votes
cast.
The Secretary was instructed to notify the
above officers of their election and
instruct them to enter at once upon
the discharge of their duties

Senator Fisher offered the following
Resolved:

That the Senate do now proceed
to determine by lot in Conformity with
Article 5 Section 4. of our Constitution
which provides "that the Members of
the Senate, shall be divided into two
classes those elected from odd numbered
shall constituted one class, and those
elected from even numbered districts
shall constitute the other class" and

that the form of allotment shall be as follows to wit! That sixteen pieces of paper shall be provided of the same size and texture by the Secretary of this body and numbers placed thereon from one to sixteen respectively. each paper shall be folded the same size as near as may be and put into a hat under the supervision of two members of this Senate to be appointed by the President, and the Sergeant at Arms shall draw therefrom one of these papers and hand it to the President who shall unfold it and read aloud and if it prove to be an odd number the Senators from the odd numbered districts shall serve for one year, but if ~~it~~ an even number, should be drawn first then and in that case the Senators representing even numbered districts shall served for one year and those of the odd numbered shall serve for three years. The Secretary shall notify the Governor and the House of Representatives of the action of the Senate and the result

On motion of Senator Hedges the resolution may adopted.

Lots were then cast and the number 12. being drawn the President announced that three ~~Senators~~ Senators from the odd numbered districts were entitled to hold office for three years.

Senator Babcock offered the following Resolved:

That a Committee of three be appointed by the President of the Senate to wait upon the House of Representatives and inform them that the Senate is now fully organized and is ready for the transaction of Legislative business

On motion the Senate was adopted.

The President appointed as such Committee Senators Babcock. Thompson and Rutherford

Senator Fisher offered the following Resolved. That a Committee of three in connection with a like Committee from the House notify the Governor that both houses are organized and ready to receive any Communication

that he might decline to make.

On motion same was adopted
Mr President appointed as such Committee
Senators Hedges. Reed and Baker.

Senator Hedges offered the following

Resolved

That a Committee of five
be appointed by the President on Rules

Adopted
Mr President appointed as such Committee
Senators Hedges. Hoffman Fisher Parberry
and Brown.

Senator Thompson moved that a Committee
of three be appointed by the President as
a Committee on Credentials.

On motion same was adopted.
Mr President appointed Senators. Thompson
Rutherford and Thornton such Committee.

On motion of Senator Cole
Senate stood adjourned until to-morrow
at 10. o'clock A.M.

Frederick Gilbert
Secretary.

Twenty Eighth day.

Senate Chamber
Helena Montana
December 18th 7
10. o'clock A.M

Senate met Pursuant to adjournment
Mr President in the Chair.

Roll called Rutherford showing
Senators present and answering to their names
Senators

Arrington.	Babcock.	Becker
Fisher	Hedges	Kennedy
Hoffman	Olds.	Parberry
Reed	Rutherford	Thompson
Called Brown McNamara	Thornton,	absent Baker

excused by the Chaplain.

Minutes of the
previous session read. Corrected and
approved.

Mr President presented a Memorial
from the Senate of the State of Washington,
read by the Secretary, and on Motion of Senator
Hedges same was laid upon the table.

Memorial

Senate Chamber Olympia, Washington
March 2nd 1889

Sirs:-

Whereas, the undersigned Committee has had referred to it their Memorial hereinafter set forth, and believing that conditions exist in your State similar to those recited in such Memorial, that upon must be considering their difficulties therein presented; and that harmonious action on the part of all the various States would more surely result in favorable action on the part of Congress,

We respectfully invite your criticism upon the subject matter of said Memorial, and request you to aid us with all suggestions which occur to you as to the most efficient method of peaceably obtaining the boons granted by the Enabling Act.

Said proposed Memorial is as follows:-

"To the Honorable Senate and House of Representatives of the United States, in Congress assembled:-

Your Memorialists, the Legislature of the State of Washington, would most respectfully represent, that:-

Whereas, Congress, by the Act of February 22d 1889, entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form Constitutions and State governments, and for other purposes," admitted into the Union as equal footing with the original States, and to receive grants of public lands to such States," upon just and beneficent principles of international government, has granted to the proposed State of Washington a magnificent heritage of more than seven hundred and fifty thousand acres of the public lands within her borders, to be utilized for the erection of public buildings, colleges and universities of learning, and the maintenance of the same, and for the prosecution of additional improvements, and the establishing and bettering of a free public school system that shall be the pride of our Commonwealth; and

Whereas, The loss to our State of any part of this magnificent donation would be irreparable and disastrous to the Commonwealth, and if permitted, a grievous wrong to future generations; and

Whereas, Under the existing conditions of a rapidly increasing population, already great, striving to appropriate to individual benefit the public lands within our State, it is absolutely certain that under the various public land laws now in force, such appropriation of all desirable tracts of public lands for the State intended by the donation will be consummated as soon as provided by law; and

Whereas, It is absolutely necessary in order that the intention of the National Government may

be fully carried out in pursuance of the Spirit promoting such donation, and that the State may not be deprived of the previous gift, that Congress take legislative action in order that Sections 16 of said act may be granted as alternative and of full force, and that the public lands within the State may not be entirely appropriated by individuals before the same is surveyed, or an opportunity given for a selection of lands under such donation on behalf of said State.

Therefore, We most earnestly and respectfully petition your Honorable bodies that you enact such legislation as will effect the purpose of that part of said act relating to the donation of lands to the State of Washington, and effectually prevent the appropriation by individuals of any of the public domain within the State of Washington until all reasonable time and proper opportunity have been given, subsequent to the filing of the plats of such lands in the local land offices, for selections of said lands to be made on behalf of the State.

Resolved, That the Secretary of State is hereby directed to forward as certified copy of this Memorial to each of our Senators and Representative in Congress; also one copy to the Chairman of the Committee on Public Lands in the Senate of the United States; and one copy to the Chairman of the Committee on Public Lands of the House of Representatives, Commissioner of the General Land Office, and Secretary of the Interior.

And your Memorialists will ever pray"

(Endorsed: Senate Memorial No 2. To the Honorable Senate and House of Representatives in Congress assembled.

Introduced by Senator Owings Nov. 25. 1889. Read first time, ordered printed, and Second time by title and referred to Committee on Federal Relations)

Trusting you may find it convenient to grant our early relief

We have the honor to remain,
Your Obedient Servants.
Committee on Federal Relations
of the Washington Senate
By W. O. Woods.
Chairman.

To the Committee of the
Senate - Report read.
Hearing for consideration
the subject of State Granted
and School Lands.

Message from the House.

To the President and Members of the Senate.

We a Committee appointed by the House of Representatives beg leave to inform your Honorable body that the First House of Representatives of the State of Montana is duly organized by the election of the following named officers

Speaker — Hon A.C. Witter
Chief Clerk — Benj Webster
Eng. Bossing and Enrolling Clerk — W.W. Cook
Sergeant at Arms — O.D. Taylor
Doorkeeper — Chas. R. Leslie
Chaplain — Rev A.J. Webb
Page — Frank M Cochrane

The House is ready to receive any communications you may desire to make.

Loud
Thompson
Hedelin. Committee,

House of Representatives
State of Montana
Helena Nov. 15, 1889

Mr President

I am instructed by the House to inform your Honorable Body that Messrs Loud Hedelin & Thompson have been appointed as a Committee of three to wait upon your Body to inform it of the organization of the House, that Messrs Witter Thompson and Hedelin have been appointed House members of a Joint Committee on Joint Rules, and that the appointment of a like number as members of said Committee is requested of your body. Also that the following notices have been given

By Hedelin

A Joint Memorial to Congress asking for the immediate survey of all Agricultural lands in the state.

By Weller.

A bill to define the size and quality of documents printed at the expense of the State.

By Berry.

A bill to amend the election laws.

Also that the following bills have been introduced without previous notice.

By Hovey.

H.B. No 1. entitled "An Act to fix the time of the Supreme Court."

By Stebbins.

H.B No 2. " Un Act to amend the Bonds to procure proper Seals".

I am also instructed to inform your Honorable Body that the House has appointed Messrs King Harlow and Goodman as members of a Joint Committee to wait upon the Governor and request the appointment of a like number as members of said Committee by your body.

Respectfully submitted
Benjamin Webster.
Chief Clerk.

On motion of Senator Hedges seconded by Thornton Senate adjourned until to morrow at 10. o'clock

Frederick Gilbert
Secretary

Twenty Ninth Day

Senate Chamber
Helena Mont
Dec 21st 1889

Senate met pursuant to adjournment Mr President in the Chair

Roll called with the following Senators present and answering to their names: Messrs.

Armington.	Babcock.	Fisher
Hedges	Olds	Rutherford
Thompson.	Abbott	Baker. Becker
Kennedy	Hoffman.	Barbury. Redd.
Thornton.	Brown.	McNamara

Prayer by the Chaplain.

Minutes of the previous session read and approved.

Senator Hedges from Joint Committee of Six Senators to wait upon the Governor and inform him that the Legislative Assembly was organized and ready to receive Communications. reported having discharged that duty having previously handed the Governor a Certified list of the Officers of the Senate.

Messages from the House

House of Representatives
State of Montana
Helena Dec 19/1889

Mr President

I am instructed by the House to inform your Honorable body that the following Memorials have been introduced

By Hovey (H.J.M. No 1) To Congress respecting our mineral lands.

By Harlan (Without previous notice) H.J.M. No 2 to Congress "Relating to Surveys of Agricultural Lands, and providing for immediate opening of same to entry".

That the following bills have been introduced.

By Corey - H.B. No 3. "An act to amend an act entitled an Act" to provide for printing and distributing ballots at the public expense, and to regulate voting at Territorial and other elections.

By Kelley.

H B. No 4 "An Act concerning the publication of public documents"

Also that the following notices were given.

By Boardman, Memorial to Congress asking for the restoration of the Tariff on Hides and other by-products of Live Stock.

By Boardman Memorial to Congress endorsing Chicago as the proper City in which to hold the Worlds Fair in 1892.

By Boardman. A Bill providing for the sale of property, real and personal upon which the taxes have become delinquent.

By Goodman. A Bill fixing the number, duties and Compensation of such officers and Employes of the Legislative Assembly of Montana.

By Corey A Bill for an Act Entitled an

Act in reference to information in Criminal Cases.

By Harlan.

A Bill providing for the submission to a vote of the electors of the State for an amendment to the Constitution fixing the terms of County Commissioners.

By Harlan

A Bill providing for fish guards or screens. at the head of Canals and water ditches. and for fish ladders at all dams in the state.

By Bray.

A Bill amending Section 1435 of Chapter 86 Compiled Statutes relating to the rights of Married Women

Benjamin Webster
Chief Clerk.

House of Representatives
Helena Mont. Dec. 20. 1889

To the Hon.
The Senate.
Mr President:-

I am directed by the House to inform your Honorable Body that the following bill was introduced-

By Bray-

H.B. No 5- "An act to authorize married women to transact business in their own names, as sole traders" also- that the following notices of bills have been given By Bray- A bill to prevent Prize Fighting in the State of Montana-

By Motion - A bill making the Clerk of the Supreme Court a salaried officer and providing that all fees collected be paid into the State Treasury-

By Waite- A bill prohibiting the sale of Montana Trout in the markets of the State-

Also to transmit to your Honorable Body H.B. No 1. "An act to fix the terms of the Supreme Court" which passed the House this day.

Respectfully submitted
Benj. Webster
Chief Clerk.

Reading of House Bills

House B No 1 "An Act to fix the terms of the Supreme Court" was read first and second times and on motion of Senator Hodges three times referred to a Special Committee Consisting of Senators Fisher. Hedges. and Olds.

On motion of Senator Fisher Senate took a recess for 10 Minutes.

Senate Chamber
10.30 a.m.

Senate resumed.

Senate Hodges moved that the vote by which H B No 1 was referred to a Special Committee be reconsidered and Bill placed on file pending the formation of the standing Committees. Vote being taken same was adopted.

On motion Senate adjourned until Monday at 6 o'clock PM

Frederick Gillan
Secretary

Thirty First Day

Senate Chamber.
Helena Mont
23rd Dec 1889
6 o'clock P.M

Senate met pursuant to adjournment Mr President in the Chair. Roll called with the following Senators present Messrs Arrington. Babcock Fisher Brown Hedges Olds Rutherford Thompson.

absent

Messrs Baker Decker Hoffman
Hennessy McNamara Fabeny
Redd Thornton.

Prayer by the Chaplain. Minutes of the previous session read and approved.

Communication from the State Secretary.
Helena Dec 23 1889

Mr President.

I have the honor to inform you that the newly elected officers of

The Senate appeared before me this day and took and subscribed to their oaths of Office.

Respectfully Yours.
L. Pollett
Secretary of Montana

Messages from the House

House of Representatives
State of Montana
Helena Dec 23 1889

To the Hon
The Senate. Mr President:

I am instructed by the House to inform Your honorable body that the following notices of bills were given.

By Bray—
An act to amend Sec 1335 Chapter 81 Fifth Div of the Compiled Statutes of Montana

By Harlan—
A bill for an act providing for an official ballot-box to be used at every voting precinct in the State at all general and other Elections

By Hoffman—
A bill to regulate text books in the Public Schools

By Lockray—
A Bill amending the Mining Laws

Also that the following bill was introduced

By Harlan—
H B No 5.
A bill for an act providing for the submission to the qualified Electors of the State an Amendment to the Constitution fixing the term of County Commissioners.

Also to Your honorable body H. C. R. No 3 Concurring Adournment which was introduced by Hobson without previous notice and passed under a suspension of the rules.

Respectfully Submitted
Benj Hebsler
Chief Clerk

Reading of H. B. (7) No 1

Be it resolved. That when the House adjourn, the Senate Concurring, it adjourn until Monday Dec 30th 1889

Read first time

The Resolution was ordered placed on file pending the formation of the Standing Committees.

On motion Senate adjourned until 10 A M to-morrow

Frederick Gilbert
Secretary

Thirty Second Day.

Senate Chamber
Helena Mont.
24-Dec 1889

Senate met pursuant to adjournment
Mr President in the Chair
Roll called with the following Senators present

Present	Absent
Armington	Baker
Babcock	Bucker
Brown	Cannon
Fisher	Huffman
Hedges	McNamara
Olds	Parberry
Rutherford	Redd
	Thompson
	Thornton

Prayer by the Chaplain. Minutes of the previous session read and approved

Senator Hedges moved a recess for 15 minutes seconded and Carried.

Senate Chamber
10.20 A M

Senate resumed.

Senator Hoffman through Senator Olds asked to be excused for ten days. Granted.

Senator Babcock moved a recess until 2 P.M. seconded

and carried.

Senate Chamber
2 o'clock P.M.

Senate resumed Roll called with the Pres in the Chair following Senators present.

Babcock
Fisher
Hedges
Olds
Rutherford

Absent
Armington
Baker
Becker
Brown
Hennessy
Hofsmah
McNamara
Parberry
Redd
Thompson
Thornton

Senator Hedges moved that the Senate adjourn until to-morrow at 10 A.M. Motion seconded & Carried

Frederick Gilbert
Secretary

Thirty Third Day.

Senate Chamber.
Helena Montana.
Dec. 26th 1889.

Senate met pursuant to adjournment - L.B. Olds - President Pro-Tem in the Chair - Roll called with the following Senators

Present
Brown
Fisher
Hedges
Parberry
Rutherford

Absent
Mr President
Armington
Babcock
Baker
Becker
Hennessy
Hoffman
McNamara
Redd
Thompson
Thornton

Prayer by the Chaplain -

Minutes of the previous session read and approved.

Senator Rutherford moved that the Senate adjourn until tomorrow at 8 P. M.. Motion Seconded by Hedges and Carried—

Frederick Gilbert
Secretary.

Thirty Fourth day

Senate Chamber
Helena Mont
26th Dec 1889
8. o'clock P.M.

Senate met pursuant to adjournment.
Mr President in the Chair
Roll called with the following Senators present

Brown
Fisher
Hedges
Olds
Rutherford

Absent

Arrington
Babcock
Baker
Bickford
Hennessy
Hoffman
McMaster
Carberry
Redd
Thompson
Thornton

Prayer by the Chaplain

Minutes of the previous session read and approved

Senator Hedges offered the following resolution

"Resolved. That the Senate of Montana gives cordial greeting to the delegation of North Dakota Senators and Representatives. who are with us this day, and indulge the hope that better personal acquaintance may enable us to unite our efforts for such common ends as the similarity of our commerce and common interests suggest."

Seconded by Olds and Carried

On motion of Fisher Senate took a recess for 20 minutes

Senate chamber
8.30 PM

Senate resumed. On motion of Fisher seconded by Hedges Senate adjourned until 10 o clock to morrow

Frederick Gilbert
Secretary

Thirty Fifth day

Senate Chamber
Helena Mont
Dec 27th 1889
10. o'clock A M

Senate met pursuant to adjournment.
Mr President in the Chair. Roll called with the following Senators present

Fisher	absent
Hedges	Armington
Olds	Babcock
Rutherford	Baker
	Becker
	Brown.
	Kenney
	Kaufman
	McNa-Mara
	Parberry
	Rudd
	Thompson
	Thornton

Prayer by the Chaplain. Minutes of the previous session read and approved

On motion of Senator Olds seconded by Rutherford. Senate adjourned until to morrow at 10. o'clock

Frederick Gilbert
Secretary

Thirty Sixth day
Senate Chamber
Helena Mont
Dec 28th 1889
10. o'clock AM

Senate met pursuant to adjournment
Mr President in the Chair.
Roll called with the
following senators

Present	Absent
Brown	Armington
Fisher	Babcock
Hedges	Becker
Olds	Baker
Rutherford	Hennessy
	Hoffman
	McNamara
	Parberry
	Reid
	Thompson
	Thornton

Prayer by the Chaplain
Minutes of the
previous session read and approved
On motion of Rutherford
Seconded by Olds senate adjourned
until Monday at 10. o'clock
Frederick Gilbert
Secy.

Thirty Eighth day
Senate Chamber
Helena Mont
Dec 30th 1889
10. o'clock A. M.

Senate met pursuant to adjournment Mr Olds
President pro tem in the Chair Roll called
with the following senators present. Absent
Messrs. Armington Messrs Baker
Babcock Becker
Brown Hennessy
Fisher Hoffman
Hedges McNamara
Olds Parberry
Rutherford Reid
Thompson Thornton

Prayer by the Chaplain
Minutes of the previous session read and approved
On Motion of Rutherford seconded by
Armington. Senate stood adjourned until to-morrow at 11. o'clock
Frederick Gilbert
Secy

Twenty Ninth Day

Senate Chamber
Helena Montana
Dec 31st 1889
11. o'clock A.M

Senate met pursuant to adjournment. Mr President in the Chair. Roll called with the following Senators

Present	Absent
Messrs Armington	Baker
Babcock	Bickford
Fisher	Kenney
Hedges	Hoffman
Olds	McNamara
Rutherford	Carberry
Thompson	Redd
Brown	Thornton

Prayer by the Chaplain.

Minutes of the previous session read and approved.

Message from the House.

House of Representatives
State of Montana
Helena Dec 30th 1889

To the Hon Senate
Mr President.

I am instructed by the House to inform Your Honorable body that House Bill No 4 entitled "a Bill relating to information in Criminal Cases" was this day introduced by Corey. Resp submitted

Benjamin Hubelis
Chief Clerk.

On motion of Hedges seconded by Rutherford the Senate took a recess until 11. 30.

Senate Chamber
11.30 A.M.

Senate resumed.

Mr President said - By an enactment of Congress as found in Revised Statutes of the U.S. Title 2 Chapter 1. it is made the duty of this State Senate to proceed to-day to vote for two U.S. Senators to represent Montana in the U S Senate. Senator Fisher

Moved that at the hour of 12. M. the Senate proceed to vote for two United States Senators. seconded by Babcock and Carried

The hour having arrived for election of Senators. The President said:- The law provides that the election shall be by a viva voce vote. The Secretary will Call the roll, when your name is called you will name your first choice for U.S. Senator and he will so record Each Senators vote, You will vote for one at a time.

First Ballot:

Armington	W. F. Sanders
Babcock	W. F. Sanders
Baker	
Becker	
Brown	W. F. Sanders
Fisher	B. P. Carpenter
Hedges	W. F. Sanders
Hennessy	
Hoffman	
McNa Mara	
Olds	W. F. Sanders
Parkiny	
Redd	
Rutherford	W F Sanders
Thompson	W F Sanders
Thornton	

Second Ballot-

Armington	Lee Mantle
Babcock	J.E. Rickards
Baker	
Becker	
Brown	J E Rickards
Fisher	Thompson Campbell
Hedges	Jas H Mills
Hennessy	
Hoffman	
McNa Mara	
Olds	Henry Elling
Parkiny	
Redd	
Rutherford	E.L. Bonner
Thompson	G.O. Eaton
Thornton	

On motion of Olds seconded by Hedges Senate adjourned until to-morrow at 11.30 A.M.

Frederick Gilbert
Sec'y.

Fortieth Day

Senate Chamber
Helena Montana
January 1st 1890
11.30 A.M.

Senate met pursuant to adjournment. Mr President in the Chair

Roll called with the following Senators present.

	Absent
Armington	Baker
Babcock	Beckes
Brown	Hennessy
Fisher	Hoffman
Hedges	Mc Mc Mara
Olds	Parberry
Rutherford	Rudd
Thompson	Thornton

Prayer by the Chaplain.

Minutes of the previous session read amended and approved.

On motion of Hedges seconded by Thompson a recess was taken until 11.55 A M

11.55 A M

Senate resumed.

The Senate then proceeded in a body to the House of Representatives for the purpose of balloting in Joint Assembly for United States Senators

Senate and House in Joint Assembly.

The hour of 12 M having arrived the Lieut Governor as president of the Senate called the Joint Assembly to order.

The Secretary of the Senate called the roll with the following Members.

Present.	Absent
J. J. Armington	J. J. Baker
A L Babcock	J. R. Barrow
J M Blair	E Beach
A. J. Blake	H. S. Becker
J M Bourdman	C P Blakely
A F. Bray	C Breen
L A Brown	J. F. Burns
D A Corey	O Carney
P Q Dolman	J K Clark.

C. H. Eaton
Robt Fisher
J. R. Grumough
E. H. Goodman
W. B Harlan
J. Harrington
E. D. Hastie
C Hedges
F. H. Hoffman
A M Holter
J Hooky
R. H. Howey
Chs Lockhay
C. H. Loud
S Mitchell
J H Monteath
H. M. Moran
M Newcomer
W H Norton
L B Olds
D. T. Phillips
W. H. Roberts
M E Rutherford
C H Stebbins
J. S. Thompson
Wm Thompson
L D Waite
R. J. King
A C Hilter

A R Comlee
C M Critchfield
H. L. Franks
C. H. Hindenbrook
T J Kennedy
F. G. Higgins
C W Hoffman
J Hollywood
S Hughes
R. J. Hunter
D. F. McElree
C J McMillan
Wm Parham
W. J. Penrose
G. E. Poole
R. G. Rebb
L. F. Schmidt
W. M. Thornton
J R Doole
J C Dooley
Wm Waldee Jr
W b Whaley
J a Woodson

Minutes of the previous sessions of the Senate and House were read by the Secretary of the Senate and Chief Clerk of the House respectively.

The following resolution moved by Senator Hedges and seconded by Representative Corey was adopted.

Resolved that!

Inasmuch as it appears from the Journal of the Senate that on Dec. 31st 1889, being the second Tuesday after the organization of the two houses of the Legislative Assembly only eight Senators voted for Senators in Congress It is hereby ordered that this body Composed of a majority of the two houses of this Legislative Assembly will now proceed to vote viva voce for the two Senators to be elected.

The Secretary was then instructed to Call the roll of the Joint Assembly each member voting viva voce for one U. S. Senator.

First Vote.

Armington	W F Sanders.	Baker	Absent.
Babcock	W F Sanders	Barrow	
Blair	W F Sanders	Beach	
Blake	W F Sanders	Becker	
Boardman	W F Sanders	Blakely	
Bray	W F Sanders	Breen	
Brown	W F Sanders	Burns	
Carey	W F Sanders	Carney	
Dolman	W F Sanders	Clark	
Eaton	W F Sanders	Conley	
Fisher	W. F. Sanders	Critchfield	
Goodman	W. F Sanders	Travis	
Greenough	W. F. Sanders	Hardenbrook	
Harlan	W. F. Sanders	Hennessy	
Harrington	W. F. Sanders	Higgins	
Haslie	W. F. Sanders	Hoffman C.W.	
Hedges	W. F. Sanders	Hollywood	
Hoffman J.H.	W. F. Sanders	Hughes	
Holter	W. F. Sanders	Humber	
Horsky	W. F. Sanders	McElwee	
Howey	W. F. Sanders	McNamara	
Lockhay	W. F. Sanders	Parberry	
Loud	W. F. Sanders	Pumroy	
Mitchell	W. F. Sanders	Poole	
Monteath	W. F. Sanders	Redd	
Moran	W. F. Sanders	Schmidt	
Newcomer	W. F. Sanders	Thornton	
Norton	W. F. Sanders	Toole	
Olds	W. F. Sanders	Tooley	
Phillips	W. F. Sanders	Wallace	
Roberts	W. F. Sanders	Whaley	
Rutherford	W. F. Sanders	Woodson.	
Stebbins	W. F. Sanders		
Thompson J.S.	W. F. Sanders		
Thompson Wm.	W. F Sanders		
Waite	W. F. Sanders		
Wing	W. F Sanders		
Witter	W. F Sanders		

Mr. President announced that Wilbur F. Sanders having received Thirty Eight votes being the whole number cast was the unanimous choice of the Joint Assembly for U.S. Senator to represent Montana in the U.S. Senate.

On motion of Representative Monteath a committee of two Consisting of Representative Monteath and Senator

Hedges were appointed to notify the Hon W. H. Sanders of his election and request his presence.

Representative Phillips moved a recess of 10 minutes. Motion lost.

The Special committee appointed to wait upon Senator elect W. H. Sanders, appeared and presented him to the President and the Joint Assembly.

Representative Corey moved a recess of 10 Minutes. Lost.

Nominations for a second U S Senator being in order Goodman nominated L H Hershfield. seconded by Boardman & Hastie.

Representative Dolman withdrew the name of the Hon Hiram Knowles

Senator Brown placed in nomination the Lieut Governor J.E. Richards seconded by Phillips. Babcock. and Bray.

Mr President instructed the Secretary to call the roll for a second ballot

Second Vote:

Annington —	Mantle	Absent
Babcock	Richards	Baker
Blair	Leavitt	Barrow
Blake	Leavitt	Beach
Boardman	Hershfield	Becker
Bray	Bickards	Bleakley
Brown	Bickards	Breen
Cory	Carpenter	Burns
Dolman	Leavitt	Carney
Eaton	Mantle	Clark
Fisher	Mantle	Conley
Goodman	Hershfield	Crutchfield
Greenough	Leavitt	Franck
Harlan	Leavitt	Hardenbrook
Harrington	Rickards	Hennessy
Hastie	Hershfield	Higgins
Hedges	Rickards	Hoffman C.M.
Hoffman F. H.	Mantle	Hollywood
Holter	Mantle	Hughes
Horsky	Hershfield	Humber
Howey	Mantle	McElwee
Lockray	Powers	McNamara
		Parberry

Loud — Rickards
Mitchell — Leavitt
Monteith — Mantle
Moran — Rickards
Newcomer — Rickards
Olds — Rickards
Phillips — Rickards
Roberts — Mantle
Rutherford — Rickards
Stebbins — Mantle
Thompson J.S. — Mantle
Thompson Wm — Leavitt
Waite — Power
Wing — Leavitt
Witter — Mantle

Penrose
Poole
Redd
Schmidt
Thornton
Toole
Tooley
Wallace
Whaley
Woodson

-Total-

Mantle - Eleven
Carpenter - One
Power - Three
Hershfield - Four
Rickards - Eleven
Leavitt - Eight.

On motion of Norton Joint Assembly dissolved for the day.

Senate Chamber
1.15 P.M.

Senate resumed.

On motion of Babcock
Senate adjourned until 11.30 A.M. to-morrow

Frederick Gilbert
Secretary

Thirty First day

Senate Chamber
Helena Montana
Jany 2nd 1890
11.30 A.M.

Senate met pursuant to adjournment
Mr President in the Chair.

Roll called

with the following Senators

Present
Armington
Babcock
Brown
Fisher

Absent
Baker
Becker
Hennessy
Hoffman

Hedges
Olds
Rutherford
Thompson

McNamara
Parberry
Rydel
Thornton.

Prayer by the Chaplain.

Minutes of the preceding session of the Senate and Joint Assembly read. Corrected and approved.

The Senate then proceeded to the House of Representatives for the purpose of balloting for a United States Senator

— The Senate and House in Joint Assembly —

The hour of 12 M. having arrived the Lieut Governor as President of the Senate called the Joint Assembly to order. The Secretary of the Senate called the roll with the following Members.

Present	Absent
Armington	Packer
Babcock	Barrow
Blair	Beach
Blake	Becker
Boardman	Berkley
Bray	Brand
Brown	Burns
Corey	Carney
Dolliver	Clark
Eaton	Conley
Fuller	Crutchfield
Goodman	Franck
Greenough	Hardenbrook
Harlan	Kennedy
Harrington	Kiggins
Hastie	Koffman C.M.
Hedges	Kollymood
Hoffman F.H.	Hughes
Holter	Hunker
Horsky	McElree
Howey	McNamara
Lockhay	Parberry
Loud	Penrose
Malcheer	Pirle
Monteith	Redd
Moran	Schmidt
Newcomer	Thornton

Norton
Olds
Phillips
Roberts
Rutherford
Stebbins
Thompson J.S.
Thompson Wm
Waite
Wing
Witter.

Minutes of yesterdays session read by the Secretary and approved.

The Secretary was instructed to call the roll of members of the Joint Assembly each member to vote viva voce for one U S Senator.

First Ballot.

Abington.	Lee Mantle	Absent
Babcock	J.E. Rickards	Baker
Blair	J.C. Powers	Barrow
Blake	Powers	Beach
Boardman	L.H. Hershfield	Becker
Bray	Powers	Breen
Burton	Rickards	Burns
Corey	Hershfield	Carney
Dolphan	Wm H. Thompson	Clarke
Eaton	Mantle	Comly
Fisher	Mantle	Crutchfield
Goodman	Hershfield	Franke
Greenough	Powers	Hardenbrooke
Harlan	Powers	Higgins
Harrington	Powers	Hoffman C.K.
Hastie	Powers	Holly Wood
Hodges	Rickards	Hughes
Hoffman J.H.	Mantle	Hunter
Hollis	Powers	McElroy
Hosely	Rickards	McNamara
Howey	Powers	Parberry
Lockey	Powers	Penrose
Loud	Powers	Poole
Mitchell	Rickards	Redd
Pinkerton	Powers	Schmidt
Moran	Mantle	Thornton
Newcomer	Powers	Toole
Norton	Mantle	Trokey
Olds	Powers	Wallace
Radcliffe	Rickards	Whaley
Roberts	Powers	Woodson
	Mantle	

Rutherford
Stebbins
Thompson J.S.
Thompson Wm
Waite
Wing
Wetter

Powers
Mantle
Mantle
Mantle
Powers
Richards
Mantle.

Total
Mantle 11
Richards 7
Powers 16
Hershfield 3
Thompson 1
38.

Mr President announced no choice
Goodman moved seconded by
Lord that the Joint Assembly be dissolved. Pres.
Mr President instructed the Secretary to call the roll for a
Second Ballot

Armington
Babcock
Blair
Blake
Boardman
Bray
Brown
Carr
Dolman
Eaton
Fisher
Goodman
Greenough
Harlan
Harrington
Hatch
Hedges
Hoffman J.H.
Holter
Hosky
Howe
Lockey
Lord C
Mitchell
Monteath
Moran
Newcomer
Older
Phillips
Roberts
Rutherford
Stebbins
Thompson J.

Mantle
Power
Power
Power
Power
Power
Power
Power
Power
Power
Power
Power
Power
Mantle
Power
Power
Power
Power
Power
Power
Power
Power
Power
Mantle
Power
Mantle
Power
Mantle
Mantle

Absent —
Baker
Barrow
Beach
Becker
Breen
Blackley
Burns
Carney
Clark
Comly
Franks
Henderson
Hennessy
Higgins
Hoffman C.W.
Hollyman
Hughes
Hunter
McCabe
McManiga
Marberry
Penrose
Poole
Reed
Thornton
Tone
Trohey
Wallace
Weaver
Woodbine

Thompson Wm	Mantle
Waite	Power
King	Mantle
Keller	Mantle
Norton	Power

Before the result was announced the following members stated their desire to change their votes to T. C. Power. Messrs. Boardman
Brown
Corey
Dolman
Eaton
Fisher
Goodman
Hoffman
Hooker
Monteath
Stebbins
Thompson D.S.
Thompson Wm
King
Keller

Mr President announced the vote as follows
for Mantle. Three
Thomas C Power thirty Five.

Mr President announced that the Hon Thomas C Power having received a majority of all the votes cast and same being a majority of joint assembly of State Senate House of Representatives was declared duly elected Senator to represent Montana in the United States Senate.

On motion of Bray a Committee of two consisting of Representatives Bray and Senator Fisher were appointed to wait upon Senator Elect Power and invite him to address the Assembly. The Committee retired, and soon thereafter returned with the Senator Elect and presented him to the President. by whom he was presented to the Joint Assembly.

Mr President stated that the duty for which we came together having been performed. & declare this Joint Assembly of Senate and House dissolved.

Senate Chamber
1.10 P M

Senate resumed. Mr President in the Chair.

On motion of Irvington seconded by Hedges Senate adjourned until to-Morrow at 11.30 A.M.

Frederick Gilbert
Secretary.

Forty Second Day.

Senate Chamber
Helena Mont
Jany 3rd 1890
11.30 A.M.

Senate met pursuant to adjournment Mr President in the Chair

Roll called with the following Senators Present

Present	Absent
Irvington	Babcock
Brown	Baker
Fisher	Decker
Olds	~~Hedges~~
Rutherford	Hennessy
Sedis	Hoffman
	McNamara
	Parberry
	Reed
	Thompson on leave
	Thornton

Prayer by the Chaplain.

Minutes of the previous session of the Senate and Joint Assembly of the Senate & House read amended and approved.

On motion of Hedges seconded by Olds a recess of 10 minutes was taken.

Senate Chamber
11.16 A.M.

Senate resumed.

On motion of Hedges seconded by Rutherford Senate adjourned until to-Morrow at 11.30 A.M.

Frederick Gilbert
Secretary

Forty Third Day.

Senate Chamber
Helena Mont
January 4th 1890
11 o'clock AM

Senate met pursuant to adjournment.
Hon. President in the Chair.
Roll called
with the following Senators present. Messrs
Armington. Babcock. Brown
Hedges Fisher
Senators Olds
Templeton and Secretary were granted
leave of absence.
Prayer by the Chaplain.
Minutes of the Forty Second Session read and
approved.
On motion of Babcock seconded
by Brown Senate Adjourned until
11 o'clock Monday June 6th 1890

Frederick Gilbert
Secretary

Forty Fifth Day

Senate Chamber
Helena Montana
January 6th 1890
11 o'clock

Senate met pursuant to adjournment.
Hon. President in the Chair.
Roll called and the following Senators answered to their names: Armington, Babcock, Brown, Fisher, and Templeton.
Minutes of previous session read and approved.
Message from the House
Bill for an Act
Bill for an Act
Bill for an Act
Bill for an Act
to the Hon. Senate.
Mr President.
I am instructed by the House to
inform your Honorable Body that the following Bills
this day been passed
Respectfully
C. Hill Recording Clerk House.

By Blair

A bill to create Road Districts & to establish a Board of Supervisors and to provide for the duties thereof.

Also that the following bill was introduced:

By Morgan. H. B. No 8.

An act entitled an act making the Board of State Supervisors Grant a warrant & offices warrant for providing that all fees collected by him be paid into State Treasury.

Respectfully Submitted.
Benj Webster
Asst Clerk.

Our motion of Olds seconded to adjourn
Senate adjourned until 11 o'clock A.M. Jany 7th 1899

Frederick Gilbert
Secretary.

Forty Sixth Day.

Senate Chamber.
Helena Montana.
January 7th 1899.
11. A.M.

Senate met pursuant to adjournment.

Hon President in the Chair.

Roll called with the following Senators present. Messrs Cunningham, Babcock, Brown, Fisher, Hedges, Olds Rutherford & Thompson.

Prayer by the Chaplain.

Minutes of previous Session read and approved.

Our motion of Hedges, seconded by Thompson Senate adjourned until 12 o'clock noon tomorrow, Jany 8th 1899.

Frederick Gilbert
Secretary.

Forty Seventh Day

Senate Chamber
Helena Montana
January 8th 1890
12 M

Senate met pursuant to adjournment. Pres
President in the Chair.

Roll called with the
following senators present.

Arrundington	Babcock	Brown	Fisher
Hedges	Olds	Rutherford	Thompson
	(Absent		
Baker	Becker	Hennessy	Hofman
McNaMara	Parberry	Redd	Thornton

Prayer by the Chaplain

Minutes of the previous session read and approved

Communication from the Governor.

The Sergeant at Arms announced the presence of the Governors private Secretary with a Communication from his Excellency.

On motion of Senator Fisher a Call of the Senate was ordered.

Roll called with the following Senators absent Messrs. Baker. Becker. Hennessy Hoffman McNaMara Parberry Redd Thornton.

The Sergeant at Arms was directed to bring before the Bar of the Senate the above named absent Senators.

Report of the Sergeant at Arms.

The Sergeant at Arms appeared and reported having served the writ on Senator Parberry who refused to accompany him to the Senate. on the ground that the Senate had no authority to order his arrest.

The Sergeant at Arms also reported Senators Redd and Hoffman Fisher Senators Hennessy. McNaMara & Thornton as out of the City. and that he had been unable to find Senators Baker and Becker

On motion of Senator Fisher further proceedings under the Call were dispensed with

On motion of Brown Senate took a recess until 3.0 o'clock PM.

Senate Chamber
3.0 o'clock P.M.

Senate resumed. Mr President in the Chair

Roll called. Absent Senators
Baker Becker Kennedy
Hoffman McGilliam Parberry
Redd Rutherford Thornton. Rutherford

Senators Hoffman and Redd were excused on account of sickness.

On motion of Fisher seconded by Brown a call of the House was demanded

Roll Called.

Absent
Messrs Baker Becker Kennedy
Hoffman McGilliam Parberry
Redd Rutherford Thornton

The Sergeant at Arms was instructed to find and bring before the bar of the Senate the absent Senators.

The Sergeant at Arms returned with Senator Rutherford.

Mr President inquired why he was absent from his seat in the Senate
Answer - I did not know as it was three o'clock.

On motion the Senator was Excused.

The Sergeant at Arms again reported at the bar of the Senate with Senator Baker

The Prisident demanded his excuse for not appearing in his seat in the Senate.
Answer - I have none.

On motion of Fisher seconded by Babcock the Senator was excused.

The Sergeant at Arms again appeared before the bar of the Senate with Senator Parberry.

Mr President inquired what excuse he had for not appearing in his seat in the Senate. Answer - I have none.

On motion of Hedges the Senator was excused.

On motion of Hedges further proceedings under the Call were dispensed with.

The Communications from his excellency the Governor were then read.

"To the President of the Senate":

Pursuant to Section 10 Art 7 of the Constitution I have the honor to transmit herewith estimates of the amount of money required to be raised by taxation for all purposes of the State for the ensuing two years. The enclosed estimate does not embrace the salaries of Public Examiner, Warden of the Penitentiary and Guard Fire, the salaries of which must first be fixed by law. In addition to the amount estimated I recommend the appropriation of one thousand eight hundred dollars to be carefully divided among the several State officers for the purchase of furniture for their respective offices. In the consideration of general and other appropriation bills, it is important to remember that while the Constitution fixes three mills as the maximum taxation we are required to keep our expenditures within two mills for the ensuing year (the levy having been made at that rate and chargeable at the close of the present month) unless a larger amount shall be raised from the collection of an additional license tax.

The following statement shows the condition of the State Treasury on December 31st 1889 but does not embrace the outstanding indebtedness, which in the absence of the report of the Auditor cannot be obtained

Jos. H. Toole
Governor

Executive Office
Helena Montana
January 8th 1890

Fiscal Bureau.

Office of the State Treasurer December 31. 1859

1859			1860	
Dec. 31	To cash on hand	$35,181.37	Dec. 31. By State of Alabama.	$36,951.97
	" State Institutions fund	5,000.00	" " Re Estimated Estate	2,821.08
	" State Lunatic "	2,500.00	" " U. C. Thompson	2,244
	" " Ind. & D. Institute "	1,000.00		
	" H. C. Edwards "Asylum	1,000.00		
		$43,775.19		$43,775.19

R. C. Weidman
State Treasurer

Executive Department.

		For One Year	For two Years
Salary of Governor.	$3000.00		
" " Secretary State.	2000.00		
" Attorney General.	2000.00		
State Treasurer	2000.00		
State Auditor.	2,000.00		
" Supt. Pub. Instruction	2,500.00	16,500.00	35,000.00
Salaries and Office Expenses.			
Governors Secretary	1,200.00		
" Office rent and stationery	1000.00	2,200.00	4,400.00
Secretaries "	900.00		
" Clerk hire	1200.00	1,700.00	3,400.00
Auditors Office Expenses	2,000.00		
Salaries Statistics & Geological Surveys	2,000.00		
Interest on outstanding Warrants	2,000.00		
Treasurers Office expenses	500.00	3,000.00	7,000.00
Attorney Generals Office Expenses	350.00		
" Furniture	150.00	500.00	900.00
Salary Pub. Instr. Milleage & Expenses		1,000.00	2,000.00
Printing for Auditor & Treasurer		1,500.00	3,000.00
Rent of State Offices		2,542.00	5,084.00
Requisitions and Rewards		3000.00	6000.00
		$35,742.00	$71,184.00

Legislative Department.

Senate.

16 Members @ $6.00 each per day for 90 days	= $8.640.00 =	
1 Chief Clerk @ 10.00 " " " " "	900.00 =	
1 Asst " @ 5.00 " " " " "	450.00 =	
3 Clerks @ 5.00 " " " " "	1.350.00 =	
1 Sergt at Arms @ 5.00 " " " " "	450.00 =	
1 Doorkeeper @ 5.00 " " " " "	450.00 =	
2 Pages @ 3.00	540.00 =	
Rent of Assembly Room	300.00 =	
Incidentals	500.00 =	13.550.00

House.

55 Members @ $6.00 each per day for 90 days	$29.700.00	
1 Chief Clerk @ 10.00 " " " " "	900.00	
1 Asst " " 5.00 " " " " "	450.00	
5 Clerks " 5.00 " " " " "	2.250.00	
1 Sergt at Arms " 5.00 " " " " "	450.00	
1 Doorkeeper " 5.00 " " " " "	450.00	
3 Pages " 3.00	810.00	
Rent and incidentals	1.500.00 =	36.510.00
Printing for both Houses	1.000.00	
Miscellaneous " " "	3.500.00	4.500.00
Sergeant Gunner Guardian @ 6.00	for 90 days	540.00
	$52.590.00	$55.130.00

Judiciary Department.

	One Year	Two Years
3 Justices Supreme Court.	12.000.00	
8 District Judges	25.000.00	
Clerk of the Supreme Court.	2.500.00	
Am't of Salaries of County Attorneys	6.300.00	
	45.800.00	97.600.00
Co. da. Commissions (Indirect Salary)	9.000.00	9.000.00
Stenographers " " Expenses	2.500.00	2.500.00
	$60.300.00	$109.101.00

State Officers (Shrinthir)

		One Year	Two Year
Mine Inspectors Salary	2.500.00		
" " Milanger Edwards	1.200.00		
" " Assistant	600.00 =	4.300.00 =	8.600.00
Veterinary Surgeons Salary	5.000.00		
" " Milanger Eskrows	2.000.00 =	5.000.00	10.000.00
Brits Inspectors Salary	2.400.00		
" " Milanger Eskrows	2.000.00		
" " Assistant	1.300.00 =	6.200.00	12.400.00
		₰15.500.00	₰31.000.00

Miscellaneous Expenses

		One year	Two years
Commissioner of Insurance Publications			
Assistant Commissioner	75.000.00		
" " Commissioner	45.000.00		
Compensation of Commissioner	3.000.00 =	123.000.00 =	246.000.00
Increase of 25% for second year.			63.500.00
Education of Deaf, Mute & Blind Children including transportation		5.500.00 =	11.000.00
Montana Library			
Salary of Librarian	1.050.00		
Annual appropriation	400.00		
Special — Balance	1.000.00	2.450.00	5.960.00
National Guard of Montana:			
Building of Armories	10.000.00		
Annual appropriation (13)	6.500.00		
Salaries and Contingent Expenses	3.500.00	20.000.00	40.000.00
Public Printing and Advertising			
Annual Appropriation		4.000.00	8.000.00
Historical Society			
Annual Appropriation		500.00	1.000.00
Janitors Salaries		600.00	1.200.00
		$156.050.00	$376.660.00

Recapitulation

	One Year	Two Years
Executive Department	35.710.00	71.420.00
Legislative Department	54.590.00	55.130.00
Judiciary Department	60.300.00	109.100.00
States Officers, (Assistants)	15.500.00	31.000.00
Miscellaneous Expenses	156.050.00	376.660.00
	$322.212.00	$643.074.00

The Communications were ordered filed with the Secretary pending the formation of the Standing Committees.

Senator Hedges as Chairman of the Committee on Rules reported that the Committee would be able to make a report to-morrow

On motion Senate adjourned until to-morrow at 10. o'clock

Frederick Gillett
Secretary.

Forty Eighth Day.

Senate Chamber
Helena Mont
Jany 9th, 1890
10. o'clock A.M.

Senate met pursuant to adjournment
Pro Tem in the Chair.

Present

Roll called
Absent

Bonnington
Babcock
Brown
Fisher
Hedges
Olds
Cadbury. did not respond.
Rutherford
Thompson

Baker
Decker
Kenneday
McNamara
Thompson

Senators Hoffman & Redal excused on account of illness

Prayer by the Chaplain

Minutes of the preceding session read and approved.

On motion of Senator Hedges a recess was taken until 2 P.M.

2. o'clock P.M

Senate resumed.

Roll called

Present

Absent

Bonnington
Babcock
Brown
Fisher
Hedges
Olds
Cadbury did not respond
Rutherford
Thompson

Communication from the House

On motion of Hodges seconded by Fisher a Call of the Senate was demanded.

Roll called

Absent

Baker
Barker
Kearney
McFarlane
Harrison.

Excused on acc't of illness

Hoffman & Redd

The Sergeant at Arms was instructed to find and bring in the absent Senators

The Sergeant at Arms appeared at the bar of the Senate with Senator Baker.

The Secretary was instructed to note the presence of the Senator.

On motion of Hodges further proceedings under the Call were dispensed with.

Report of the Committee on Rules.

Senator Hodges as chairman of such Committee submitted the following

In the Hon Senate of Montana

We undersigned of the Committee on Rules beg leave to submit our Report.

The body of the Rules, were taken from those of the Senate of the State of California, save and except Committees, those Committees also the Rules of any former Territorial Council and also those of the States of Nebraska and Pennsylvania

Respectfully submitted

Conners Davis
Robert Fisher
Laurence O'Donnell

The Rules as selected by the Committee were read by the Secretary.

On motion of Harper the Secretary was instructed to have 50 copies of the rules of the Senate printed

On motion of Hodges seconded by Fisher a

Committee of three on Joint Rules, were appointed by the Chair: Senators Meyers, Fisher and Hoffman, were appointed said Committee.

Report of the Committee on Credentials.

Mr President

A majority of your Committee on Credentials beg leave to report that they have examined the abstracts of the votes on file in the Secretary of State's office and find the following named gentlemen entitled to seats in the first State Senate to wit!

From	1st	District-	Baltimore Co	Laurence A Brown
"	2d	"	Madison	"	Logan B Otis
"	3d	"	Caroline	"	Chas F Goldsborough
"	4th	"	Jefferson	"	Chas Fisher
"	5th	"	Allegany	"	J M Thompson
"	6th	"	Washington	"	M E Ruthurford
"	7th	"	Kent & Queen	"	Cornelius Hodges
"	8th	"	Choptank	"	H Baker
"	9th	"	Montgomery	"	Wm Parker
"	10th	"	Prince George	"	D Hemmesley
"	11th	"	Cecil	"	C G Reed
"	12th	"	Baltimore	"	H L Babcock
"	13th	"	Baltimore	"	H C Becker
"	14th	"	Baltimore	"	C C McNamara
"	15th	"	Baltimore	"	J S Thompson
"	16th	"	Baltimore	"	J Pennington

Respectfully Submitted
J Thompson
M E Rutherford.

On motion of Hodges seconded by Babcock the report was received and adopted.

Communication from the House.

House of Representatives
State of Maryland
Helena Jany 8th 1870

To the Hon Senate
Mr President,

I am instructed by the House to inform your Hon body that the following Notices of Bills were given in the House this day

1st Reading

A Bill to provide for the Great Seal of the State of Montana.

By Bray -

A bill for an act describing the duties of the State Board of Examiners

By Bray -

A bill for an act prescribing the duties of the State Board of Equalization.

Resp Submitted
Benj Hubbler
Chief Clerk

House of Representatives
State of Montana
Helena Jany 4th 1890

To the Hon Senate
M. President

I am instructed by the House to inform your Honorable Body that the following bills were passed by the House this day and are herewith transmitted.

H.B. No 1. A Bill concerning the publication of Public Documents.

H.B. No 2

An Act to enable the Courts to procure Broken Seals.

H.B. No 3.

An Act appropriating money to pay the interest on the Public debt and to defray the expenses of the Executive, Legislative and Judicial departments of the State of Montana for the fiscal year ending Dec 1st 1890.

Also the passage of the following House Joint Memorial herewith transmitted, H.J.M. No 1 "Memorial to Congress respecting our Mineral Lands."

Resp Submitted
Benj Hubbler
Chief Clerk

House of Representatives
State of Montana
Helena January 9th 1893

To the Hon Senate.
Mr President.

I am instructed by the House to inform your Hon body that the following notices of Bills have been given this day.

By Loud
A Bill for an Act to prevent the destruction by fire of the trees and forests upon lands of the State.

By Loud
An Act to provide for the Canvass of the returns of Elections of State Officers and members of the Legislative Assembly.

By Morton -
An Act to provide for the notice and Compensation of County Attorneys.

By Moran -
An Act to provide by Contract for all Stationery, Printing Paper, Fuel and Light, Renting, furnishing and repairing of Halls and Rooms used for the meeting of the Legislative and other departments of government.

By Harrington
An Act supplemental to and entitled an act entitled an act to amend an act to provide for the time of Taxation and Assessment of property.

Resp submitted
Benj Wheeler
Chief Clerk

Reading of House Bills and Memorials.

The following House Bills and Joint Memorials were on Motion of Hedges read once by title, and ordered filed with the Clerk pending the formation of the Standing Committees.

Joint Mem. No 1 Memorial to Congress

Respecting our Mineral Lands.

H.B. No. 2.

An Act to enable the Courts to procure proper Seals -

H.B. No. 4.

A Bill concerning the publication of Public Documents.

S.B. No. 4.

An Act appropriating money to pay the interest on the Public debt and to defray the expenses of the Executive Legislative and Judicial Departments of the State of Montana for the fiscal year ending Dec 31st 1890.

On motion of Senator Rodgers seconded by Rutherford Senate adjourned until to-morrow at 2 o'clock P.M.

Frederick Gilbert
Secy.

Forty Ninth Day.

Senate Chamber. Helena Mont
January 10th 1890 - 2 o'clock P.M.

Senate met pursuant to adjournment. The President in the Chair. Roll called with the following Senators

Present.

Absent.

Bateman
Beckman - Excused on account
Bickford
Brown
Fullerton
Hedges
Hoffman
Hills
Kenney
Reed
Rutherford
Thompson

Absent.

Beckman - Excused on account
Hennessy
McMannamy
Thornton.

Prayer by the Chaplain.

Minutes of preceding day Session read and approved.

Communication of Hedges seconded by Bateman Senator Beckman was excused for one week account of sickness in family. Senator Baker was excused for an indefinite period account of business

Communication from the House

House of Representatives. Helena Mont
Jany 10th 1889

To the Hon. Senate

Mr. President;

I am instructed by the House to inform your Honorable Body that at the following notices of Bills were given in the House this day.

By Harvey. To provide for a Bureau of Agriculture, Labor, and Industry.

By Woodman. To amend Sect. 767 First-Division Compiled Statutes of Montana, relating to the qualifications of Assessors and Undertakings.

By Norton. — To amend Sect. 1880 of the School Laws in relation to qualifications of voters, and the qualifications of Electors at School Elections.

By Stebbins. — To prohibit and punish discrimination and extortion by Railroad companies.

By Stebbins.

To prohibit Minors and other persons from climbing, clinging, jumping, stealing or otherwise attaching themselves to Rolling Stock thereon, and declaring forfeitures for its infringement.

I am also instructed to inform your Hon. body that the following Bills were introduced into the House this day.

By Harvey.

H.B. No 13. A Bill for an act to establish independent Public School Districts, and to provide for Trustees for the same.

By Hoffman.

H.B. No 14. An act to provide a Seal for the State of Montana and defining its custody.

By Bray.

H.B. No 15 For an act creating a State Board of Equalization, prescribing its duties and certain County Officers.

Respectfully submitted
Benjamin Webster
Chief Clerk.

On motion of Brown seconded by Rattiford Senate adjourned until 10 o'clock A.M. tomorrow.

Theresa Miller
Secretary.

Fiftieth Day

Senate Chamber Helena Montana.
January 11th 1890. 10 o'clock a.m.

Senate met pursuant to adjournment. Mr President in the Chair. Roll called with the following Senators

Present	Absent
Armington	Hennessy
Babcock	Hoffman
Brown	McNamara
Fisher	Redd
Hedges	Barberry
Olds	Thornton
Thompson	
Rutherford.	

Prayer by the Chaplain – Minutes of preceding Session read and approved.

Senator Hedges presented the following report of the Hon Senate of Montana:

We the undersigned of the Joint Rules, beg leave to report – That in conjunction with the Committee of the House, have carefully read, adopt the accompanying copy of Rules, being the same in the annual as those adopted and in use by the late Territorial Legislature.

Thomas Hedges
Robert Fisher

Senator Fisher moved the adoption of the Report, seconded by Hedges – carried – On roll call of the Senate the following Senators answered to their names

Present	Absent
Armington	Hennessy
Babcock	Hoffman
Brown	McNamara
Fisher	Barberry
Hedges	Redd
Olds	Thornton
Rutherford	
Thompson.	

Absent on leave
Bates
Beatty

The Sergeant at Arms having been instructed to bring before the Bar of the Senate the absent Senators, with directions to report with Senators Hoffman, Barberry and Redd – Senators Redd and Hoffman appeared and took their seats.

Moved by Hedges seconded by Thompson that the Secretary be instructed to inform the House that the Senate is now ready to proceed to business. Carried.

Moved by Olds seconded by Thompson that the Senate inform the House that a Committee of three be appointed to wait upon His Excellency the Governor and inform him that the Senate is now ready to proceed to business. Carried.

The President appointed Senators Olds, Hedges and Thompson as such Committee.

Communication from the House

House of Representatives
State of Montana
Helena January 13th 1870

To the Hon. Senate.
Mr. President:

I am instructed by the House to inform your Honorable body that the report of the Committee on Joint Rules of the Senate and House of Representatives has this day been adopted by the House.

Respectfully Submitted.
Benjamin Nutter.
Chief Clerk

Moved by Fisher seconded by Brown that the Senate adjourn until 10 A.M. Monday. So ordered

Frederick Gibbens
Secretary.

Fifty Eleventh Day.

Senate Chamber Helena Mont
January 13th 1870

Senate met pursuant to adjournment
Senator Olds President pro-tem in the Chair

Roll called

Present	Absent
Arnoux	absent on Baker leave
Babcock	Hennessy
Baker	McFarlane
Brown	Rutherford
Fisher	Simpson
Helgas	Vernon
Hoffman	
Olds	
Parberry	
Redd	

Prayer by the Chaplain.

Minutes of the preceding session read amended and approved.

On motion of Brown seconded by Helgas the Senate resolved itself into a Committee of the Whole with the understanding that Hoffman in the Chair.

On motion of Hedges seconded and carried the Rules were considered clause by clause.

On motion at 12-15 the Committee rose. The Chairman of the Committee reported progress and asked leave to sit again granted

On motion Senate took a recess until 2.30 P.M.

Senate reconvened 2.30 P.M.

Senate resumed. Senator Olds President pro tem in the chair. Roll called

Present
Armington
Babcock
Becker
Brown
Fisher
Hedges
Hoffman
Olds
Parkany
Redd
Thornton

Absent
Hennessy
McFadden
Thompson

Absent on leave
Baker

Excused for the day
Rutherford

Senator Thompson appeared and took his seat. On motion of Brown seconded by Hedges Senate resolved itself into a Committee of the Whole to continue the consideration of Senate Rules.

Committee of the Whole

Senator Hoffman in the Chair.

The Committee continued the consideration of Senate Rules. until 3.45 PM when having completed the consideration of said rules Senator Hedges moved that the Committee rise and report back to the Senate the Rules as amended be adopted seconded and Carried.

Senate resumed Senator Olds President pro tem in the Chair Senator Hoffman as Chairman of the Committee of the whole reported that having finished the consideration of the Rules he moved their adoption as amended. Carried.

On motion of Secretary in connection with the Chairman of the Committee of the Whole was authorized to have 200 copies printed for the use of the members.

Senator Hedges moved seconded by Evans that the Senate

Special to the consideration of the Joint Rules

Brown moved to lay the same on the table. Seconded and Amendment Adopted

On motion of Brown seconded by Hudson Senate adjourned until 10 AM to-morrow

Frederick Talbert
Secretary.

Senate Chamber Helena Mont
January 12th 1893

Senate met pursuant to adjournment
Mr President in the Chair.

Roll Called

Present	Absent
Armington	McPhillips.
Babcock	
Becker	Lieut Governor
Brown	
Fisher	Absent on leave Baker
Hedges	
Hennessy	
Hoffman	
Olds	
Parberry	
Redd	
~~Rutherford~~	
Thompson	

Senator Thompson appeared and took his seat

Prayer by the Chaplain

Minutes of the preceding session read. amended and approved.

On motion of Hedges. seconded by Olds. Senate took a recess until 2. o'clock P.M.

Senate Chamber
2. o'clock PM

Senate resumed Mr President in the Chair.

Roll called

Present	Absent
Armington	Hennessy
Babcock	Hoffman
Becker	Parberry
Brown	Redd
Fisher	Thompson
Hedges	Thornton

Mr McPhillips
Olds
Excused on account sickness
Rutherford
Baker.

On motion of Senate adjourned until to-morrow at 2 o'clock P.M.

Frederick Gilbert
Secy.

Fifty-Fourth Day

Senate Chamber
Helena Mont
Jany 15th 1890

Senate met pursuant to adjournment
Mr President in the Chair

Roll called

Present	Absent
Arrington	McNamara
Babcock	Absent on leave
Becker	Baker
Brown	Rutherford
Fisher	
Hedges	
Hermann	
Hoffman	
Olds	
Parberry	
Reed	
Thompson	
Thornton	

Prayer by the Chaplain

Minutes of the preceding day read and approved.

Communication from the House

House of Representatives
State of Montana
Helena Jany 15th 1890

I am instructed by the House to inform your Hon body that the following reported bills were acted this day

Re Attorney
(A Bill for an Act to establish a System of Schools for Juvenile offenders and to provide for its management

Re Attorney
(A Bill for an Act to provide for the control, leasing and sale of the Public School Lands. (

Also of the introduction of the following Bills

Re Stebbins
AB N°10 An Act to protect Miners and other persons from stinging clinging tyrannical stepping or attending attaching Threatening &c Railroad mine, and providing penalties for its infringement.

Re Cory AB N° 17 An Act to provide Uniform Sections 5-6 and 7 of an act entitled "An act to provide for the registration of the names of Electors, and to prevent fraud at Elections" approved March 8th 1864.

Respectfully submitted
Benj Webster
Chief Clerk.

On motion of Brown seconded by Nelson the order of business was dispensed with and the Standing Committees were announced.

The President announced the Standing Committees as follows:

1 Agriculture and Manufactures.
Rutherford. Hoffman. McElvain Mara

2 Commerce and Navigation
Baker. McElvain Mara. Rutherford

3 Mileage
Reed. Thompson Reeder

4 Corporations other than Municipal
Kennedy. Dennington Baker
Reed Beaton

5 Counties Towns & Municipal Corporations
Brown, Baker. Patterson
Reed. Hoffman.

6. Education
Eckert. Parker. Babcock.

7 Engrossed Bills
Thompson. Baker. Warrington

8 Enrolled Bills
Rutherford Becker. Olds

9 Federal Relations.
Fisher Hedges. Hoffman.
Reed. Warrington.

10 Finance and Claims
Babcock. Olds. Thornton.
Kennedy. Fisher.

11 Judiciary
Kinkel. Brown. Thornton
Olds. Parker.

12 Military Affairs
Hoffman. Thompson. Kennedy.

13 Mines and Mining
Brown Kennedy Thornton

14 Public Buildings Hospitals
Prisons and Asylums
Thompson Babcock. Kennedy.
Thornton Rutherford.

15 Public Lands.
Pike. Brown. Barbeau.
Reed. Thompson.

16 Public Works.
Perry. Hodges. Babcock.

17 Finance.
Thompson. Hodges. McNamara

18 Roads. Highways & Bridges
Becker. Fisher. Baker
Rutherford. McNamara.

19 Libraries.
Thornton. Hodges. Fisher.

20 Irrigation & Water Rights
Pike. Brown. Baker
McNamara Rutherford

21 Fish and Game.
Hoffman. Becker. Rutherford.

22 Elections and Privileges.
Babcock. Brown. Reed.
Thornton. Pike.

23 Labor and Capital
Fisher. Thompson. Becker.

24 Stocks Growing and Saying.
Arrington. Parkerry. Redd.

25 Immigration.
McNamara Redd. Thompson.

26 Abortionment and Representation
Fisher. Babcock. Kennedy.
Hoffman. Arrington.

27 Rules.
Hodges. Brown. Fisher
Carter. Hoffman.

Presentation of Petitions.

By Clerk.

From 149 citizens of Madison County praying for the location of the State Normal School at Charleston.

Referred to Committee on Public Buildings.

Senator Redd moved that a Committee of three be appointed for the purpose of assigning the Governor's Message to proper Committees

Senator Fisher moved to amend by substituting that the Message be considered in the Committee of the Whole. Amendment adopted.

The President referred the Governor's Message relating to Appropriations to Committee No 101 "Finance and Claims."

On motion the Senate took a recess.

Recess.

Judge Carr notified the next Legislature day he would introduce the

The Chair then

An act for the protection of the titles to Govt lands

"An act to provide for the publication of the Supreme Court reports"

The Secretary was instructed to correct certain errors in the printed Rules of the Senate.

Unfinished Business.

The Memorial from the State of Washington was referred to the Committee on Public Lands.

Senator Turner gave notice that on to-morrow he would move to take up from the table the Joint Rules.

A motion by Judge McBride Senate was introduced to have 200 copies of the lists of the Standing Committees and the order of business printed.

On motion Senate, recessed, subject to the call of the Chair to enable Committee of the whole to meet.

Vice President Mitchell called Senator Hoffman to the Chair.

Chairman of the Committee of the whole, having had under Consideration the Governors Message, report the same back to the Senate with the recommendation that the Message be referred to a special committee of Five (5) with instructions that they recommend the distribution of the various duties to the appropriate standing Committees

The Chair appointed as members of such Committee Senators Fisher, Hedges, Kennedy and Thornton.

Senator Hedges moved that the Senate adjourn until 2 o'clock PM to-morrow.

Fisher moved an amendment

first the hour be 2. o'clock.
Amendment lost. and original motion adopted.
Senate thereupon adjourned
Frederick Gilbert
Secretary.

Fifty Fifth Day.

Senate Chamber
Helena Mont
Jany 16th 1890

Senate met pursuant to adjournment.
Mr President in the Chair.

Roll Called

Present	Absent
Mr Washington	McNamara
Babcock	Absent on ak Siennes
Baker	Brown
Becker	Olds
Fisher	Rutherford
Hedges	
Hennessy	
Hoffman	
Lenberg	
Reed	
Reynolds	
Scriven	

Minutes of the preceding day read. Corrected and adopted.

Senator Fisher moved that Senate adjourn until to-morrow at 10 A. Clock. Motion lost.

(Motions and Resolutions.

Senator Hoffman offered the following.

Whereas it is the desire of the Senate to proceed with Legislative business as soon as possible And it is the sense of this body that it is not necessary at this time to interfere with or attempt to dictate terms of settlement of the questions at issue between the two bodies of men each claiming to be the regularly organized House of Representatives of the Legislative Assembly of the State of Montana

Therefore be it resolved that the

Senate as a body to refrain from interfering in the Controversy and to further refrain and refuse to recognize either body as the regularly organized House of Representatives until such time as they shall come together and settle the questions at issue between themselves."

Before the motion was seconded Senator Risher rose to a point of order. that the resolution did not state facts, and was subversive of the former acts of the Senate and therefore could not be entertained. The Chair ruled the point of order well taken.

Senator Thomson appealed from the decision of the Chair. The Chair ruled the appeal out of order.

Senator Hedges moved that the Senate adjourn until 10 A.M. to-morrow. Motion lost.

Senator Baker offered the following.

Resolved, That the Senate adjourn sine die on Saturday the 18th of January 1890.

The Chair ruled the motion out of order.

On motion of Hedges Senate adjourned until Monday the 20th at 6 o'clock PM

Frederick Gellert
Secretary

Fifty Ninth Day.

Senate Chamber
Helena Mont
January 20th 1890
8½ o'clock P.M.

Senate met pursuant to adjournment- Mr President in the Chair

Roll Call.

Present
Senators.
Arrington
Babcock
Becker
Baker
Fisher
Hedges
Hennessy
Hoffman
Nye
Cagleny
Reid
Cutler
Thompson
Thornton

Absent
McNamara
absent on acc of illness
Brown.

Prayer by the Chaplain

Minutes of the preceding day read amended and approved.

On motion of Becker Senate adjourned until Tuesday the 23rd inst at 2 o'clock P.M.

Frederick Gilbert
Secretary

Sixty Second Day.

Senate Chamber
Helena Mont
January 23rd 1890 2. P.M.

Senate met pursuant to adjournment.
Mr President in the Chair.

Roll Called
Absent
McNamar
absent on acc of sickness

Present
Arrington. Babcock. Baker
Becker Fisher Hedges
Hennessy Hoffman Hyde
Cagleny Reid Thompson
Thornton.

Prayer by the Chaplain
Minutes of preceding day read and approved

On motion of Thornton seconded Babcock Senate adjourned until Monday at 8 o'clock P.M.

Frederick Gilbert
Secy

Sixty Ninth Day.

Senate Chamber
Helena Mont
Jany 27th 1890
8. o'clock P.M.

Senate met pursuant to adjournment
Mr President in the Chair.
Roll Called
Present Senators.

Ammunson	Hoffman
Babcock	McKinnon
Baker	Olds
Becker	Pemberton
Brown	Rudd
Fisher	Rutherford
Hedges	Thompson
Hennessy	Thornton.

Prayer by the Chaplain Minutes of the
preceding session read and approved.
On motion of Senator Olds. Senate adjourned
until to morrow at 2 P.M.

Frederick Gilbert
Secretary

Sixty Seventh Day

Senate Chamber
Helena Montana
Jany 28th 1890
2. o'clock P.M.

Senate met pursuant to adjournment. Mr
President in the Chair.
Roll called.
Present

Ammunson	Hoffman
Babcock	McKinnon
Baker	Olds
Becker	Pemberton
Brown	Rudd
Fisher	Rutherford
Hedges	Thompson
Hennessy	Thornton

Prayer by the Chaplain.
Minutes of the preceding day read and

approved.

Reports of Select Committees

The Select committee to whom was referred the distribution of the Governors Message asked for further time in which to make their report. Granted.

Communications from the House of Representatives.

House of Representatives
State of Montana
Helena Jany 17th 1890

To the Honorable Senate
Mr President:

I am instructed by the House to inform Your Honorable body that the following notices of introduction of Bills have been given in the House.

By Dolman.
A Bill to provide for the Incorporation, Maintenance, Management and support of a School of Mines to be located in Silver Bow County, Montana.

By Keller;
A Bill concerning taxation of Mortgages.

By Monteath
A bill providing for elections of voluntary political associations and to punish frauds thereat
Also a bill governing primary elections

I have also to inform your honorable body of the introduction of the following bills in the House.

By Norton. H B - No 18
An Act entitled an act to amend Sec 1880 of the School Laws of Montana, in relation to publishing notices, and the qualifications of electors at School Elections.

By Howey H B No 19.

A Bill for an act to establish a State Reform School and to provide for its management.

Respectfully Submitted
Benj Webster
Chief Clerk

House of Representatives
Helena Montana
Jany 22d 1890

To the Hon Senate
Mr President

I am instructed by the House to inform your Hon Body that the following notices of the introduction of bills have been given

By Norton
A Bill providing for a Warden and other attaches of the State Penitentiary.
Also that the following bills have been introduced Jany 21st

By Monteath H B No 20
"An Act to regulate Primiary Elections of voluntary Political associations and to punish frauds therein.

By Monteath H. B. No. 21.
An Act to prevent and punish illegal voting at Primiary Elections.
Respectfully submitted
Benjamin Webster
Chief Clerk.

House of Representatives
State of Montana.
Helena, Jan. 23rd. 1890

To the Honorable Senate.
Mr. President:

I am instructed by the House to inform your Honorable Body that the following notices of introduction of bills were given in the House this day.

By Harlan, For an Act amending an Act entitled an Act for the better protection of game and fish, approved Feb. 28th. 1889.

By Howey: A Bill to provide for a commission to select a site for an insane Insane Asylum

By Howey, A Bill to amend Sections 1236, 1237 and 1238 of the Fifth Division of the Compiled Statutes of Montana, fixing the legal rate of interest at Seven per centum per annum.

By Howey, A Bill authorizing trustees of Free Public Libraries to borrow money for the purpose of leasing or purchasing ground and erecting and furnishing suitable Library Buildings.

Also to inform your Honorable Body of the introduction of the following Bill.

By Howey, H.B. No 22.
A Bill for an Act to fix the length of the legal working day at eight hours.

By action of the House, House Bill No. 6 being a Bill for an Act providing for the submission to the qualified electors of the State an amendment to the Constitution fixing the terms of County Commissioners, was laid on the table.

Respectfully Submitted
Benjamin Webster
Chief Clerk.

Introduction of Bills

By Hedges S.B. No 1
A Bill for an Act for the protection of the title to Montana School lands.
Read first time and filed for second reading.

By Hedges S.B. No 2.
A Bill for an act to provide for the publication of the Supreme Court Reports.
Read first time and filed for second reading.

Motions. Resolutions and Notices

Senator Fisher gave notice that on to-morrow or some future day he would introduce a Bill for an Act to provide for the Government of the State Prison of the State of Montana.

Senator Babcock, gave notice that on to-morrow or some subsequent day he would introduce the following bills to-wit: A bill for an Act entitled

an act to provide for payment of moneys belonging to the State, to the State Treasurer"

Also

"A Bill for an act to amend an act Entitled an act to provide for assessment of the Franchise Roadbed Rails and Rolling Stock of all railroads operated in Montana one County in the State"

Senator Fisher offered the following Resolved:

"That the Joint Rules be now taken from the table and considered in the Senate as in Committee of the Whole with the President in the Chair.

Vote was taken

Before the result was announced Senator Thomson called for a division vote taken with the following result Ayes 8. Noes 0 Resolution declared adopted.

Senator Baker appealed from the decision of the Chair.

The Chair: Shall the decision of the Chair be sustained. The Chair was sustained by the following vote Ayes 8. Noes 0.

Committee of the Whole

Senate resumed

A call of the Senate was demanded Roll called. All members present

On motion further proceedings under the Call were dispensed with

On motion of Brown Senate adjourned until to-morrow at 11. A M

Frederick Gilbert
Secretary

Sixty Eighth Day

Senate Chamber
Helena Mont
Janu 29th 1890

Senate met pursuant to adjournment. Mr President in the Chair.

Roll called.

Present

Arrington	McNamara
Babcock	Olds
Baker	Parberry
Bickes	Reed
Bowers	Rutherford
Fisher	Kennedy
Hedges	Thompson
Hoffman	Thornton.

Prayer by the Chaplain

Minutes of the preceding day read and approved

Communication from the House.

House of Representatives
Helena Montana
Janu 24th 1890

To the Hon Senate.
Mr President:

I am instructed by the House to inform your Hon body that the following notice of the introduction of a Bill was given in the House this day

By Hall:-

A Bill providing for the adjustment and payment for right of Way and damages in Irrigating ditches.

Also for the introduction of the following bills

By Norton S.B. No 23.

An Act entitled an act to provide for the maintenance of the State Prison.

By Harlan S.B. No 24

A Bill for an act to amend an act entitled An act for the better protection of game and fish

Resp Submitted
Benj Hebster Chief Clerk

House of Representatives
State of Montana.
Helena Jany 28th 1890

To the Hon Senate
Mr President

I am instructed by the House to inform your Hon body of the introducion of the following Bill in the house this day

By Committee on Ways & Means without previous notice
H B No 25

A Bill for an act providing for the erection of an addition to the State Prison and the building of a wall around said Prison and appropriating money to pay for the same.

Also of the following Joint Memorial without previous notice

By Eaton. H J M No 4

Relating to changing boundary of the Yellowstone National Park

Resp Submitted
Benj Hibbler
C. of Clerk

House of Representatives
Helena Montana
Jany 29th 1890

To the Hon Senate
Mr President

I am instructed by the House to inform your Hon body that the following bill has been introduced

By Kenny H B No 26.

A Bill for an act to provide for a Bureau of Agriculture labor and Industry.

That the following H & R was introduced By Kenny H & R No 5

"Relating to Sites for an Insane Asylum."

Also to transmit to your Hon body H B No 10

which passed the house this day
Resp submitted
Ben Hebalin
Chief Clerk

Reports of Select Committees

The Select Committee to whom was referred the distribution of the Governors Message reported as follows:

Mr. President:

Your Committee To whom was referred the Governors Message, begs leave to report, that they have had the same under consideration, and recommend the reference of the several subjects mentioned therein to the following Standing Committees of the Senate.

That portion of the Message relating to the financial condition of the State, be refired to the Committee on Finance and Claims.

That portion refering to Legislation required by the Constitution are follows:

Sec. 15 Art. 3 to Committee on Irrigation and Water Rights, and that portion of same Section relating to Private Roads, to Committee on Roads, Highways and Bridges.

Sec. 23 Art. 3 to Committee of Finance and Claims.

Sec. 44 Art. 5 to Committee on apportionment and Representation.

Sec. 5 Art. 5 to Committee on Finance and Claims.

Sec. 28 Art. 5 to Committee on Finance and Claims.

Sec. 30 Art. 5 to Committee on Finance and Claims.

Sec. 42 Art 5. to Committee on Judiciary.

Sec. 43 Art. 5 to Committee on Judiciary.

Sec. 2 Art. 6 to Committee on apportionment and Representation.

Sec. 2 Art. 7 to Committee on Judiciary.

Sec. 8 Art. 7 to Committee on Judiciary.

Sec. 9 Art. 7 to Committee on Judiciary.

Sec. 17 Art. 7 to Committee on Judiciary.

Sec. 20 Art. 7 to Committee on Judiciary.
Sec. 4 Art. 8 to Committee on Judiciary.
Sec. 9 Art. 8 to Committee on Judiciary.
Sec. 19 Art. 8 to Committee on Judiciary.
Sec. 32 Art. 8 to Committee on Judiciary.
Sec. 1 Art. 10 to Committee on Education.
Sec. 1 Art 11 to Committee on Education.
Sec. 4 Art. 11 to Committee on Public Lands.
Sec. 6 Art 11 to Committee on Finance and Claims
Sec. 10 Art. 11 to Committee on Education.
Sec. 11 Art. 11 to Committee on Education.
Sec. 1 Art. 12 to Committee on Finance and Claims.
Sec. 13 Art. 12 to Committee on Finance and Claims.
Sec. 15 Art. 12 to Committee on Judiciary.
Sec. 5 Art. 13 to Committee on Judiciary.
Sec. 6 Art. 13 to Committee on Judiciary.
Sec. 2. Art. 14 to Committee on Military Affairs.
Sec. 3 Art. 14 to Committee on Military Affairs.
Sec. 4 Art. 14 to Committee on Military
Sec. 4 Art. 15 to Committee on Corporations other than Municipal.
Sec. 7 Art. 15 to Committee on Corporations other than Municipal.
Sec. 20 Art. 15 to Committee on Corporations other than Municipal.
Sec. 1 Art. 17 to Committee on Public Lands.
Sec. 13 Art. 7 to Committee on Public Lands.
Sec. 1. Art. 18 to Committee on Labor and Capital.
Sec. 3 Art. 19 to Committee on Public Lands.

Sec. 4 Art. 19 to Committee on Judiciary.
Sec 7 Art. 19 to Committee on Public Lands.

That portion of the Message relating to the Penitentiary be referred to Committee on Public Buildings, Hospitals, Prisons and Asylums.

State Militia to Committee on Military Affairs.

State Institutions and Buildings to Committee on Public Buildings, Hospitals, Prisons and Asylums.

Fees and County Officers to Committee on Finance and Claims.

State Officers to Committee on Judiciary.
Public Lands to Committee on Public Lands.
Sale, Rental and Distribution of Water to Committee on Irrigation and Water Rights.
Irrigation, to Committee on Irrigation and Water Rights.
Corporations, to Committee on Corporations other than Municipal.
Supreme Court, to Committee on Judiciary.
Clerk of Supreme Court, to Committee on Judiciary,
Code Commission, to Committee on Judiciary,
Labor, to Committee on Labor and Capital,
Public Examiner, to Committee on Judiciary,
Board of Pardons, to Committee on Judiciary,
Homestead & Exemptions, to Committee on Public Lands,
Registration, to Committee on Elections & Privileges,
Secrecy of the Ballot, to Committee on Elections & Privileges,
Constitutional Amendments, to Committee on Judiciary.
Indian Reservations, to Committee on Military Affairs.
Revision of Constitutional Convention, to Committee on Finance & Claims,
Court of Silver Bow County, to Committee on Judiciary,
House of Representatives to Committee on Judiciary,

All of which is respectfully submitted,

Reed,
Chairman.
Reed,

On motion the report was received and the Committee discharged.

On motion Report was adopted. and the Secretary instructed to notify the proper Committees.

Introduction of Bills

By Fisher S. B. No 3

A Bill for an Act to provide for the government of the State Prison of the state of Montana.

Moved and seconded that the bill be read first time

Senators Thornton and Kennedy called for the Ayes and Nays. Roll called. the following Senators Aye. Refusing to vote

Ayes 8. Noes 0

Ayes	Refusing to vote
Arrington	Baker
Babcock	Becker
Brown	Kennedy
Fisher	Hoffman
Hodges	McNamara
Olds	Parberry
Rutherford	Redd
Thompson	Thornton.

The other Senators refusing to vote.

The Secretary was instructed to read Senate Rule 26.

The Chair: What is the pleasure of the Senate in regard to those Senators refusing to vote.

On motion of Hodges seconded by Thompson their names were ordered to appear upon the pages of the Journal. as in Contempt

Parberry & Baker called for the Ayes and Noes. Roll Called. Ayes 8. Noes 0. Motion declared lost.

Thornton moved the Senate adjourn Until to morrow at 2 P.M.

Hodges moved as an amendment a recess until 2 P.M. Amendment adopted.

Senate Chamber
2 P.M.

Senate resumed. Mr President in the Chair

Roll called all Senators present.

Introduction of Bills

By Babcock.

S.B. No 4

An Act to amend an Act entitled "an Act to authorize County Commissioners to issue bonds to redeem outstanding indebtedness of Counties."

By Babcock

Senate B No 5

A Bill for an Act to Amend an act to provide for payment of moneys belonging to the State to the State Treasurer.

On motion of Hedges the Bills were read first time and referred to the following Committees

S.B. No 4 to Committee No 5.
S.B. No 5 " " No 10.

Moved and seconded that S.B. No 3 be read Senators Hoffman and Thornton called for the Ayes and Noes.

Poll called. Ayes 8. Noes 0.

The President stated that those refusing to vote violated one of the Senate rules and the Secretary was ordered to read Senate Rule 26. and also to call the roll of those refusing to vote. viz. Roll called. Baker Buckingham Hoffman. McNamara. Parberry. Reed Thornton.

The Chair

Do the Senators refuse to vote.

Still refusing

The Chair declared the motion lost.

Parberry moved seconded by Thornton that the Senate adjourn. Motion lost.

Report of Committee of the Whole

Mr President: Your Committee of the Whole have had under consideration "Joint Rules". & am instructed to report progress and ask for further time.

Mr President.

Chairman

On motion same was adopted.

Senator Thornton moved seconded by Hoffman that the Senate adjourn until 11 A.M. to morrow. Motion lost.

Fisher moved seconded by Rutherford that the Senate go into a Committee of the Whole for the consideration of Joint Rules.

Thornton and Hoffman called for the Ayes and Nays. Roll called. with the following result. Ayes 8. Eight Senators not voting.

The President called attention to the fact that the Eight refusing to vote violated one of the Rules of the Senate and instructed the Secretary to read Rule 26. and also to call the roll of those refusing to vote. The names of the following Senators were thereupon called

Baker Hennessy McVay Mara Redd
Becker Hoffman Parberry Thornton

Mr President! Shall the Eight be excused.
Motion was declared lost.

Moved and seconded that House Bills be taken up.

Parberry and Hennessy called for the Ayes and Nays. Roll called. Ayes 8. Eight Senators not voting.

Mr President again called the attention of the Senators to the fact that by refusing to vote they were violating Rule 26. and instructed the Secretary to call the roll of those refusing to vote. The roll was called of Senators

Baker Hennessy McVay Mara Redd
Becker Hoffman Parberry Thornton

The Chair. Do the Senators refusing to vote Mr Senators still refusing. The motion was declared lost.

On motion Senate adjourned until to morrow at 11. o'clock

Frederick Gilbert
Secretary

Sixty Ninth Day.

Senate Chamber
Helena Mont
Jany 30th 1890

Senate met pursuant to adjournment. Mr President in the Chair!

Roll called

Present

Armington	Hedges	Redd
Babcock	Kennedy	Rutherford
Baker	Hoffman	Thompson
Becker	McNa Mara	Thornton.
Brown	Olds	
Fisher	Parberry	

Prayer by the Chaplain

Minutes of the preceding day read amended & approved.

First Reading of Bills.

H. B. No 3 was read. and referred to the Committee on Public Buildings Hospitals. Prisons and Asylums.

H B No 1. was referred to the Committee on Judiciary.

Senator Hedges moved that H. Bills Nos 2 - 4 9 and 10 be read 1st time.

Hoffman and Thornton called for the yeas and Nays. Roll Called.

Yeas 8.

Armington	Not voting
Babcock	Baker
Brown	Becker
Fisher	Kennedy
Hedges	Hoffman
Olds	McNa Mara
Rutherford	Parberry
Thompson	Redd
	Thornton

The Secretary was instructed to call the names of those refusing to vote Roll called.

The Senators that refused to vote

Mr President:- Shall the Senators be excused.

Senator Hedges. No.

Motion declared lost

Second Reading of Bills

Senator Hedges moved that S.B. 1 and 2 be read a 2nd time

Thornton and Hoffman called for the Ayes and Nays. Roll called

The following Senators voted aye. Refused to vote

Armington	Baker
Babcock	Bucker
Brown	Kennessy
Fisher	Hoffman
Hedges	McGovern
Olds	Parkany
Rutherford	Redd
Thompson	Thornton

Ayes 8.

The roll was again called of those refusing to vote

The Senators still refusing. The motion was declared lost.

Motions Resolutions & Notices

Senator Babcock gave notice that on to-morrow or some subsequent day he will introduce the following bill.

An Act amendatory and supplementary to an act to provide for the payment of bounties for the killing of certain Stock destroying Animals. Approved Feby 20th 1889.

Fisher moved the Senate resolve itself into a Committee of the Whole, to consider said bill

Hoffman and Redd called for the Ayes and Nays. Roll Called

The following Senators voted aye.

Armington	
Babcock	
Brown	
Fisher	
Hedges	
Olds	
Rutherford	
Thompson.	Ayes 8.

The following refused to vote.

Baker	McGovern
Bucker	Parkany
Kennessy	Redd
Hoffman	Thornton

Roll call was again called & there were nine to vote and they still refusing the motion to go into a Committe of the Whole was declared lost.

Senator Baker moved to adjourn until Monday at 8 PM lost.

Senator Hedges moved a recess until 2. PM Carried

Senate Chamber
2: o'clock P.M.

Senate resumed
Roll Called.
All Senators present.

Senator Brown asked for leave of absence until Tuesday Feby 4th. granted

Motion of the leaving of Senators Brown and Kennedy until Tuesday Feby 4th was announced

On motion Senate at 2.15 adjourned until Monday Feby 3d at 8 o clock P.M.

Frederick Gilbert
Secretary.

Senate Third Day
Senate Chamber Helena M.T.
Feby 3d/90 8. P.M.

Senate met pursuant to adjournment
Mr President in the Chair. Roll Called

Present		Absent	
Ammondson	Fisher	Baker	Booker
Babcock	Hedges	McFarlane	Olds
Hoffman	Rutherford	Carberry	Redd
Thompson	Thornton	Laird. Brown	Kennedy.

Prayer by the Chaplain

Senator Thornton seconded by Hoffman moved an adjournment until 11. AM to-morrow. Lost.

Minutes of previous session read amended and adopted. A Message from the Governor was presented by his Secretary.

On motion of Hedges Senate adjourned until to morrow at 11. o clock.

Frederick Gilbert
Secretary

Seventy Fourth Day

Senate Chamber
Helena Mont
4 July 1890

Senate met pursuant to adjournment. Mr President in the Chair.

Roll called

Present
Senators Cunningham
Babcock
Fisher
Hedges
Olds
Rutherford
Thompson

Absent
Baker
Becker
Brown
Hennessy
Hoffman
McNamara
Parberry
Redd
Thornton

Minutes of the preceding session read and approved.

A communication from the House of Representatives was presented by the Sergeant at Arms.

On motion of Fisher Senate took a recess until 2 o'clock P.M.

Senate Chamber
2 o'clock P.M.

Senate resumed

Roll called.

Present
Cunningham
Babcock
Fisher
Hedges
Brown
Rutherford
Thompson

Absent
Baker
Becker
Hennessy
Hoffman
McNamara
Parberry
Olds
Redd
Thornton

On motion of Rutherford seconded by Fisher a Call of the House was ordered.

Call was called of the absentees and a list of the same handed to the Sergeant at Arms with instructions to arrest and bring before the bar of the Senate the absentees.

The Sergeant at Arms thereupon retired and returned with Senator Olds.

Mr President. Senator Olds was excused from for your absence.

Senator Olds difference in time pieces.

On motion the Senator was excused.

The Sergeant at Arms again reported his inability to find the absent Senators.

On motion further proceedings under the Call were dispensed with.

The hearing of Senators Brown and Kennedy until Friday's Session was announced.

On motion Senate adjourned until to-morrow at 10 A.M.

Frederick Gilbert
Secretary.

Seventy Fifth Day.

Senate Chamber
Helena Mont
Feby 6th 1890.

Senate met pursuant to adjournment.

Mr President in the Chair.

Roll called

Present.

Arrington	Olds
Babcock	Parberry
Baker	Redd
Becker	Rutherford
Fuller	Thompson
Keeler	Thorson
Loffman	
McNamara	

Paired Brown and Kennedy

Prayer by the Chaplain

Minutes of the preceding day read and approved.

Message from the Governor

Executive Office
Helena Mont
Feby 3d 890

To the President of the Senate
Senate Chamber.
Helena Mont

Sir:

I herein nominate and appoint Theodore Oliver of Silver Bow County Montana Deputy Inspector of Mines for the State of Montana

Respectfully
Yours
Leslie Elrod
Governor.

The Message was read and referred to the Committee on Mines and Mining.

Communication from the House of Representatives

House of Representatives
Helena Mont
Jany. 30th 1890

To the Hon Senate
Mr President

I am instructed by the House to inform your Hon body that the following bills have been introduced

By Goodman H B No 27.
A bill for an act entitled an act to amend Section No 7 First Division Compiled Statutes of the State of Montana relating to the qualifications of Sureties on undertakings

By Kollier H. B. No 28
A bill for an act relating to the assessment of property.

Resp Submitted
Benj Webster
Chf Clerk.

House of Representatives
Helena Mont.
Jany. 31st. 1890.

To the Honorable Senate
Mr. President,

I am instructed by the House to transmit to your Hon. Body H. B. No. 17 which passed the House this day.

Respectfully Submitted,
Benjamin Webster
Chief Clerk

House of Representatives
Helena, Mont.
Feb. 3rd. 1890.

To the Honorable Senate.
Mr. President:

I am instructed by the House to inform Your Hon. Body that the following notice of bill has been given, by Norton.

A Bill entitled a Bill for an act

to provide State and County Canvassing Boards.

Also to transmit to your Hon. Body substitute for H. B. No. 3 which passed the House this day.

Respectfully submitted
Benjamin Webster.
Chief Clerk.

First Reading of Bills

Senator Hedges moved that H.B. Nos. 2. 4 9. 10. 17. Substitute for H.B. No 3 and H & M No 1 be read 1st time. and referred to the appropriate Committees.

Senators Hoffman and Redd. called for the Yeas and Nays. Roll Called

The following Senators voted aye.. Refused to vote

Annington	Baker
Babcock	Bucker
Disher	Hoffman
Hedges	McNamara
Olds	Parburry
Rutherford	Redd
Thompson	Thomlin-

Caired Brown & Hennessy.

Roll was again called of those refusing to vote. Sen Senators still refusing.

Mr President said.

I call attention to the fact that Senators Hoffman and Redd Called for the Yeas and Nays. they declined to vote. thereby violating Senate rule 26. and as our records show the presence of a Constitutional majority of the Votes cast are in the affirmative. I rule that the Motion is carried.

The Bills were Severally read and referred to the following Committees, to wit:

H.B No 2	Referred to	Committee on	Judiciary
H.B No 4	"	"	"	" Printing
H.B No 10	"	"	"	" Finance & Claims
H.B No 9	"	"	"	" Finance & Claims
Substitute for H.B No 3			"	" Election & Privileges
H.B No 17	"	"	"	" Judiciary
H & M No 1	"	"	"	" Mines & Mining

Adjo

Senate Bills No 1 was referred to the Com on Public Lands
" " " No 2 " " " Com on Judiciary

Senator Hodges introduced a Concurrent Resolution for the employment of a Clerk by the Judiciary Committee.

Question Mr Parberry called for the Yeas & Nays
Roll Called. Refused to vote

Yeas	Nays
Cannington	Baker
Babcock	Becker
Fisher	Hoffman
Hodges	McNamara
Olds	Parberry
Rutherford	Redd
Thompson	Thornton

Paired Brown Yea & Kennedy Nay

The roll was again called of those refusing to vote. and they still refusing.
The President ruled that as the records show the presence of a Constitutional quorum and also a majority having voted in the affirmative he declared the motion adopted.

Committee of the Whole

Senator Fisher seconded by Rutherford moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Joint Rules.

Question Thornton and Becker called for the Yeas & Nays.

Roll Called. Refused to vote

Yeas	Nays
Cannington	Baker
Babcock	Becker
Fisher	Hoffman
Hodges	McNamara
Olds	Parberry
Rutherford	Redd
Thompson	Thornton

Paired Brown Yea & Kennedy Nay.

The roll was again called of those refusing to vote. and they still refusing.
The President ruled that as the records show the presence of a Constitutional quorum and also a majority having voted in the affirmative he declared the motion adopted.
Mr President asked Senator Thornton to take the Chair. The Senator refused.
The following Senators were also asked to take the Chair. Baker. Becker. Hoffman. McNamara Parberry & Redd. each of them asked to be excused.
Senator Olds was called and took the Chair.

11 30 A M

Senate resumed.

The Chairman of the Committee of the Whole made the following report:-

Mr President

Your Committee of the Whole having had under consideration Joint Rules. report- progress and ask leave to sit again. report- accepted and adopted.

Moved and carried that the Joint Rules be taken from the Committee of the Whole and referred to Standing Committee on Rules.

Order moved seconded by Thomson that the Senate adjourn. Rutherford moved as an Substitute a recess until 2 P.M. Substitute Carried.

Senate Chamber
2. P.M.

Senate resumed.

Roll called.

Present

Cunningham	Baker	Paired.
Babcock	Becker	Brown
Fisher	Hoffman	Hennessy.
Hedges	McNamara	
Hall	Carberry	
Rutherford	Reid	
Thompson	Thomson	

On motion Senate adjourned until to morrow at 11 A.M.

Frederick Gilbert
Secretary.

Twenty Sixth Day.

Senate Chamber
Helena Mont.
Feby 6th 1890

Senate met pursuant to adjournment
Mr President in the Chair.

Prayer by the Chaplain.

On motion Senate took a recess for one hour.

Senate Chamber
11. A M.

Senate resumed. The President in the Chair.

Roll called.

Senator.

Absent

Cunningham
Richards
Brown
Dicker
Keiger
Olds
Rutherford
Thompson
Richter
Beckley
Kennedy
Hoffman
McNamara
Barkany
Redd
Thornton.

Minutes of the preceding day read, amended and adopted.

The pairing of Senators Brown and Kennedy was announced as having expired at 10 A.M.

Senator Keiger was excused on pairing question.

Roll call.

Whereas it appears by the roll call of the Senate just had that the following named Senators to wit: J. A. Baker R. J. Redd. W. S. Dicker. W. W. Thornton C. A. McNamara. C. H. Hoffman. Wm. Barkany D. F. Kennedy. are absent without leave of the Senate and in violation of Rule 4 of the Senate

Therefore be it resolved that each and all of said Senators be required to be in attendance at the bar of the Senate on or before 10 o'clock on Saturday the 8th inst. to answer for contempt under such penalties as the Senate shall deem meet and proper."

On motion same was adopted.

Senator Olds called for the reading of Senate rule No 4. Rule read.

The following was offered by Senator Olds.

Whereas divers and sundry members of the Senate of the Legislative Assembly of the State of Montana are absent, and whereas it is necessary to compel their attendance,

Now therefore, be it resolved by the undersigned a minority of the members of said Senate, that any members of the Senate who shall be absent on and after February 6th A D 1890 shall be fined for such absence unless excused by the Senate

for the first day. Fifty dollars ($50.00)
for the Second days absence. One Hundred dollars ($100.00)
for the third days absence Two hundred dollars ($200.00)
for the fourth days absence Four hundred dollars ($400.00)
for the fifth days absence Eight hundred dollars ($800.00)
for the sixth days absence One thousand dollars ($1000.00)
and that upon each succeeding day before the adjournment of the Senate for the day, the roll shall be called and a resolution levying and confirming the foregoing fines against the absent members severally by name, who are not excused, shall be passed and placed on record by the Secretary of the Senate.

L Olds
Robert Fisher
A L Babcock
J S Thompson
Cornelius Hedges
M E Rutherford
J J Armington
Laurence A Brown

On motion of Babcock the Resolution was adopted.

On motion of Fisher seconded by Babcock a call of the house was ordered.

Roll called.

Present	Absent
Armington	Baker
Babcock	Becker
Fisher	Kenney
Hedges	Kerfoot
Olds	McNamara
Rutherford	Parberry
Brown	Reed
Thompson	Worden.

The Sergeant at Arms was given a list of the absent members with instructions to arrest and bring them before the bar of the Senate.

The Sergeant at Arms thereupon retired and upon his return reported his inability to find any of the absentees.

Senator Hedges offered the following. Resolved "That the President of the Senate be authorized to issue duplicate warrants for the arrest of any one or all of the absent members to the Sheriff or other peace officers in the several Counties of the State as in his opinion may be necessary to execute the will of the Senate as expressed in

the resolutions this day adopted requiring their attendance on or before 10. o'clock A M of July 8th instant".

On motion same was adopted

On motion further proceedings under this call were dispensed with

On motion

Senate adjourned until 10 A.M. to-morrow

Frederick Elliott
Secy

Seventy Seventh Day.

Senate Chamber
Helena M.T.
July 8th 1893

Senate met pursuant to adjournment
Mr President in the Chair!

Roll Called

Present

Armington
Babcock
Bickel
Brown
Fisher
Hedges
Hennessy
Hoffman
Olds
McNamara
Rutherford
Carberry
Thompson
Reid
Thornton.

Prayer by the Chaplain.

Minutes of the preceding day read and approved

On motion Senate took a recess until 2. o. clock P.M.

Senate Chamber
2. o. clock P.M.

Senate returned.

Roll Called

Present

Absent

Armington
Babcock
Baker
Bickel
Brown
Fisher
Hedges
Hennessy
Olds
Hoffman
Rutherford
McNamara
Thompson
Carberry
Reid
Thornton.

In pursuance of a resolution adopted on Feby 6th 1890
the Secretary was instructed to charge up
the fine of $50.00/100 assessed against the absent
Senators for 1st days absence.

The Sergeant at Arms of the House of Representatives
appeared and presented a Communication.

On motion a recess was taken until
5. o. clock.

Senate Chamber
5. o. clock P.M.

Senate resumed.
President in the Chair.

On motion Senate took a recess until
8. o. clock.

Senate Chamber
8. o. clock P.M.

Senate resumed
Mr President in the Chair.

Roll called

Present	Absent
Armington	Baker
Babcock	Decker
Brown	Hemenway
Fuller	Hoffman
Hidgen	McNamara
Odell	Parkany
Rutherford	Redd
Thompson	Thornton

In pursuance of a Resolution adopted on Feby 6th 1890
the Secretary was instructed to charge up
the 2.d fine of $100.00/100 for the second day absence
of the Senators named in roll Called

On motion Senate adjourned
until 10. o'clock to-morrow

Frederick Gillett
Secretary.

The following resolution was offered by Senator Cole and adopted by the Senate in regular Session. Feby 6th 1890.

"Whereas divers and sundry members of the Senate of the Legislative Assembly of the State of Montana are absent, and whereas it is necessary to compel their attendance. Now therefore, be it resolved by the undersigned, a minority of the members of said Senate, that any member of the Senate who shall be absent on and after Feby 6th A. D. 1890. shall be fined for such absence, unless excused by the Senate, for the first days Fifty dollars ($50.00). For the second days absence One hundred dollars. ($100.00) For the third days absence Two hundred dollars ($200.00) For the fourth days absence Four hundred dollars ($400.00) For the fifth days absence Eight hundred dollars ($800.00) For the sixth days absence One thousand dollars ($1000.00). And that upon each succeeding day before the adjournment of the Senate for the day, the roll shall be called and a resolution, levying and confirming the forgoing fines against the absent members severally by name, who are not excused, shall be passed and placed on record by the Secretary of the Senate." L. B. Olds
Robt Fisher. H L Babcock. S Thompson Cornelius Hedges. M E Rutherford J Harrington Laurence A Brown.

		F. M. Thornton.	P. Sullivan.	Wm Pemberton	C. W. Harman	Jno Dobson	C. Hennessy.	M Barden	L. A. Baker.
		$	$	$	$	$	$	$	$
Feby 6th 1890	1	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
" 7th "	2	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
" 8th "	3	200.00	200.00	200.00	200.00	200.00	200.00		200.00
" 10th "	4	400.00	400.00	400.00	400.00	400.00	400.00	1000.00	400.00
" 11th "	5	800.00	800.00	800.00	800.00	800.00	800.00		800.00
12th "	6	1000.00	1000.00	1000.00	1000.00	1000.00	1000.00	500.00	1000.00
13th "	7	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
14th "	8	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
15th "	9	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
17th "		500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
18th "		500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
19th "		500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
20th "		500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00

Seventy Eighth Day.

Senate Chamber
Helena Mon
Aug 8th 1890

Senate met pursuant to adjournment. Mr President in the Chair. Roll called.

Present	Absent
Armington	Baker
Babcock	Becker
Brown	Kennedy
Fisher	Hoffman
Hedges	McNamara
Ide	Parberry
Rutherford	Reed
Thompson.	Thornton.

Prayer by the Chaplain

Minutes of the preceding day read amended and approved.

On motion Senate took a recess until 2 P.M.

2. o'clock P.M

Senate resumed Roll called

Present	Absent
Armington	Baker
Babcock	Becker
Brown	Kennedy
Fisher	Hoffman
Hedges	McNamara
Ide	Parberry
Rutherford	Reed
Thompson	Thornton

On motion Senate took a recess until 4 P.M.

Senate Chamber
4. P.M

Senate resumed Mr President in the Chair,
On motion a recess was taken until 8. P.M

Senate Chamber
8 P.M.

Senate resumed. Mr President in the Chair
Roll Called.

Present.
Armington Brown Hedges Rutherford
Babcock Fisher Ide Thompson

Absent.

Baker	McGrath.
Becker	Pantony
Kennedy	Reed
Hoffman	Hamlon

On motion Senate took a recess until 9.30 PM

Senate Chamber
9.30 PM

Senate resumed Mr President in the Chair and announced the presence of Senator Becker

The Sergeant at Arms appointed

Roll called.

Present

Armington
Babcock
Becker
Brown
Fisher
Hodges
Oxley
Rutherford
Thompson

The Secretary was instructed to note the presence of Senator Becker as under Contempt in accordance with Resolution adopted by the 26th inst. as per Rule 42 of the Senate.

Mr President said

Senator Becker it becomes my duty to inform you that you are now in contempt of this body and I now ask you if you have any excuse to offer for absenting yourself without leave? Making no reply Senator Hodges offered the following

"Be it resolved by the members of the Senate that the matter of the contempt of Senator W S Becker be referred to the Committee on Elections and Privileges with instructions to consider the same forthwith and report as soon as possible with resolution appropriate to the case." On motion same was adopted.

On motion a recess of 15 minutes was taken.

Senate Chamber
10.40 P.M.

Senate resumed. (On motion a recess of 10 minutes was taken.

Senate Chamber
11. P.M.

Senate resumed.

Report of the Committee of Elections & Privileges

Senator Babcock as Chairman. made the following report:

"Your Committee on Elections and Privileges to whom was referred the consideration of the matter of Contempt of H S Rucker with instructions to report by Resolution beg leave to report that they have supported that duty and offer the following resolution appropriate to the case. (Whereas Senator H. S. Rucker with other Senators was on the 6th day of Feby inst. by resolution adopted and entered in the Journal, adjudged to be in Contempt for violation of rule No 6, in absenting himself from the Sessions of the Senate without leave. Therefore Your Committee, (taking into consideration with the explanations made by him and assurances of his attendance at the future Sessions of the Senate) recommend that he be released from the fines already imposed against him, and that he be discharged of Contempt of this body." (On motion the report was adopted.

Senator Hedges Chairman of the Committee on Rules made the following report:

Mr President: Your Committee on Rules to whom was referred the accompanying body of Joint Rules, has carefully considered the same and recommend the adoption of the same.

(On motion of Babcock seconded by Armington the report was adopted

The Joint Rules were thereupon read. (On motion of Odell the Joint Rules as read were adopted.

Mr President appointed as members

of the Joint Committee on Enrollment.
Senate Chamber Helena Mont.

Reports of Standing Committees

Mr President

Your Committee on Finance and Claims to whom was referred Senate bill No 5 beg leave to report that they have had the same under consideration, and recommend that the bill do pass

Babcock
Olds
Fisher

H.B. No 10 Read 2d time to title and filed for third reading.

H B No 9 read 2nd time to title and filed for second reading.

Report of Committee of Mines and Mining
Senate Chamber
Helena Mont.
Feb. 8, 1890.

Mr. President:

The Communication of Jos. K. Toole, Governor of the State of Montana, relating to the nomination and appointment of Jacob Older to the office of deputy inspector of mines for the State of Montana, having been referred to your Committee on Mines and Mining, a minority of your said committee having said communication under consideration, beg leave to report the same back to the Senate without recommendation.

Lawrence A. Brown.
Chairman.

Message from the House of Representatives.

House of Representatives
State of Montana
Helena Feby 7th 1890

To the Hon Senate, Mr President

I am instructed by the House to inform your Hon Body of the introduction of the following Bills

1st Reading.

H B No 30. An act to amend Sections 2-4-7-13-14-15 & 16 and repealing Section 12 of an act entitled, an act to Create the office of Mine Inspector

and to define his duties, approved March 14th 1887.

By Stebbins (HB No. 31.

(A Bill for an act entitled an act to regulate Railroad Corporations in their transportation of passengers and baggage, and to fix a minimum rate of charges, and to provide for a penalty for its violation thereof."

Respectfully submitted
Benjamin Hedlin
Chief Clerk

House of Representatives
Helena Feby 8th 1890

To the Hon Senate
Mr President:

I am instructed by the House to transmit to your Hon Body (HB No 21 "An Act to prevent and punish illegal voting at Primary Elections" which passed the House this day.

Also to transmit to your Hon Body the following bills introduced by the Com on Ways & Means without previous notice which passed the House this day.

HB No 32

"An Act appropriating money for collecting statistics.

HB No 33.

"An Act appropriating money to pay the salary of the State Veterinarian Surgeon, Secretary and mileage for the same."

HB No 34.

"An Act appropriating money for the support of the Insane and Imbecile of the State."

HB No 30.

"An Act appropriating money to the National Guard of the State of Montana for the fiscal years."

HB No 36

"An Act appropriating money for the board of Convicts in the

County Jails and transportation of the same to the State Prison"

H B No 37

"An Act appropriating money for the Education of the Deaf Dumb and Blind children, and transportation of the same."

H B No 38

"An Act appropriating money to pay the Salaries of the Boiler Inspector and his assistants. office expenses and mileage".

H B No 39

"An Act appropriating money to pay the Salaries of the Mine Inspector and Assistant Mine Inspector. Office Expenses and Mileage".

H B No 40.

"An Act appropriating money to pay for Printing, for Legislative Executive and Judicial departments of the State of Montana".

Also to transmit to your Hon Body Substitute for H.B. No 7. "A Bill relating to information in Criminal cases. and. H B No 23, "An Act entitled an act to provide for the maintenance of the State Prison". which passed the House this day.

Resp. Submitted
Benj Hebbler
Chief Clerk.

House of Representatives
Helena Mont Feb 8 - 1890

To the Hon Senate
Mon President.

I am instructed by the House to inform your Hon Body that the House Concurred in the Senate Amendments to H B No 9 and 10.

Resp Submitted
Benjamin Hebbler
Chief Clerk

Introduction of Bills.

By Fisher. (without previous notice)
S.B. No 6. "An act to provide Compensation for members of the Legislative Assembly": Read 1st time. and filed for 2nd reading.

First Reading of Bills.

S.B Bills No 21. 23. 32. 33. 34. 35. 36. 37. 38 39. 40 and substitute for S.B No 7 read first time by title and filed for 2d reading.

Second Reading of Bills.

Senator Olds moved S.B No 9 be considered Engrossed read 2nd time by title. seconded by Hedges. and Carried Bill Read by title and filed for 3rd reading.

S.B No 10. and S.B No 5 filed for 2nd reading. read 2nd time and filed for 3d reading.

Senator Olds moved that Rules be suspended temporarily & S.B No 9 be placed upon its final passage. Read 3d time. & Passed by the following vote

Yeas	Nays	Not voting
Armington		Becker 1
Babcock		
Brown		
Fisher		
Hedges		
Kelly		
Rutherford		
Thornton		
Yeas 8	Nays 0	Not voting 1

Senator Fisher moved the Rules be suspended temporarily, and S.B No 10 be read 3d time & placed upon its final passage and it was passed by the following vote

Yeas
Armington
Babcock

Brown
Fisher
Hedges
Olds
Rutherford
Thompson.

June 8. Nays 0 Not voting Becker. 1

On motion recess was taken for 10 minutes.

Senate resumed.

On motion of Babcock seconded by Fisher S.B. No 7. was read 2d time by title and referred to Committee No 4.

Senator Hedges asked unanimous Consent to introduce S B No 8 without previous notice. Granted.

Hedges moved S.B. No 8 be read 1st time. Bill read and referred to Committee No 9.

Reports of Committees

Report of the Committee on Public Lands

Mr President:

Senate Bill No 1 having been referred to our Committee on Public Lands, a majority of your said Committee beg leave to report that we have had the same under Consideration, and recommend that the same do pass with the following amendment: Strike out all after the word "Whereas" in line eight of Section 1 of the said bill down to the word "furnishing" in line twelve of the same section and bill, and insert in lieu thereof the following:— "any person or persons, corporations or association now in the wrongful possession and title to any portion of the public school lands of the State",

Olds
Chairman

On motion of Babcock the report was adopted and SB No 1 Filed for 2d reading.

Report of Committee on Public Buildings Hospitals Prisons and Asylums.

Mr President.

Your Committee on Public Buildings Hospitals, Prisons and Asylums, to whom was referred Senate Bill No 3, relating to the Government of the State Prison; begs leave to report that they have had the same under consideration and recommend its passage with the following amendments.

In Sec 1 Line 1 Strike out the word "and" after Governor.

In Sec 4 line 7 Strike out word "and" after "affairs" and all of same line after "regulations". Also all of line 8 preceeding the words "from personal" and insert the word "and".

New Sec. Sec. 8 To read as follows:-

Neither the Warden nor any prison officer shall directly or indirectly have any interest or concern financially in any contract either verbal or written which may be entered into for any purpose whatsoever connected with the business of the Prison.

Sec 8 to be renumbered Sec 9.

Sec 9. to be renumbered Sec 10, and that the word "portion" in line 12 be stricken out and the word "number" substituted.

New Sec Sec 11. In case any pestilence or contagious disease shall break out among the convicts in prison the Board of Commissioners may cause the convicts therein to be moved to some suitable place of security where such of them as may be sick shall receive all necessary care and Medical attendance and such convicts shall be returned as soon as it may be safe to the Prison, and there confined according to their respective sentences if the same be unexpired.

Sec 10 - Be renumbered Sec 12.

Sec. 11. Be renumbered Sec. 13.

Sec 12 Be renumbered Sec 14.

Sec 13 Be renumbered Sec 15.

Sec 14 Be renumbered Sec 16

Sec 15 Be renumbered Sec 17.

Sec 16. Re renumbered. Sec 18.
Sec 17 Re renumbered Sec 19
Sec 18 Re renumbered Sec 20
Sec 19 Re renumbered Sec 21
Sec 20 Re renumbered Sec 22
Sec 21 Re renumbered Sec 23.
Sec 22 Re renumbered Sec 24.
Sec 23 Re renumbered Sec 25

And that the word "ten" in line 2 be stricken out and "twenty" inserted. Also in line 5 of same section strike out the figures (10.000) and insert (20000)

Respectfully
Thompson Chairman

On motion report was adopted and Bill read 2nd time by title. Referred to Printing Committee.

Report of Committee on Finance and Claims

Mr. President:

Your Committee to whom were referred H. B.'s No. 32, 33, 34, 35, 36, 37, 38, 39, and 40. A majority of your said Committee, beg leave to report that they have had the same under consideration, and recommend that each and all of said bills as enumerated above do pass.

Babcock
Chairman.

On motion report was adopted and bills filed for 2nd reading.

Report of Committee on Mileage.

Mr. President:

The Committee on Mileage having had under consideration the mileage of Senators, begs leave to report that the following Senators are entitled to mileage under the Constitution as follows:

L. A. Brown,	300 miles	amount	$60.00
L. B. Olds,	272 "	"	54.40
C. W. Hoffman	200 "	"	40.00
Robt. Fisher	52 "	"	10.40
W. M. Thornton	126 "	"	25.20
M. E. Rutherford	254 "	"	50.40.
C. Hedges	2 "	"	.40
J. A. Baker	284 "	"	56.80
Thos. Parberry	160 "	"	32.00
D. J. Humfrey	150 "	"	30.00
R. G. Reed	772 "	"	154.40
A. L. Babcock	496 "	"	99.20
W. A. Becker	928 "	"	185.60

C. J. McNamara	398 Miles	Amount	$ 79.60
J. S. Thompson	246	"	49.20
J. J. Errington	240	"	48.00

Respectfully,
J. S. Thompson.

On motion the report was adopted. ~~Chairman~~

Report of Committee on Judiciary.

Mr. President:

Your Committee on Judiciary to whom was reffred H. B. No. 1, beg leave to report that they have had the same under consideration, and recommend that it be amended by striking out all of section 3 of the said bill, and that it do pass as so amended.

C. Hedges.
Chairman.

On motion report as amended was adopted. and Bill filed for 2nd reading.

Report of Committee on Printing.

Mr. President:

Your Committee on Printing hereby reports back H. B. No. 4 with the recommendation that it be adopted.

Respectfully,
J. J. Errington,
Chairman.

S. B. No. 3 reported back by Committee on Public Buildings. Hospitals. Prisons & Insane Asylums. with Amendments. & That it do pass as amended. Report of Committee in motion, adopted. and Bill filed for 2nd reading as amended.

Report of Judiciary Committee.

Mr President.

Your Committee on Judiciary to whom was referred S B No 2. beg leave to report that they have had the same under consideration and recommend that it do pass with the following amendment. "Strike out the word "State" in line 6th of section 4 where it occurs the second time. so that it shall read "Montana Reports" instead of "Montana State Reports."

Your Committee moved also recommend that the word four be

inserted before the word "hundred" in the third line of Section 5 of the said bill.

Hodges
Chairman

On motion the report was adopted. Thereupon Bill filed for 2nd reading.

Report of Committee No 5. Counties Towns and Municipal Corporations.

Mr President.

Your Committee on Counties Towns and Municipal Corporations, to whom was referred S.B. No 4, beg leave to report that they have had the same under consideration and recommend that the same do pass with the following amendments:

"Strike out the word and figure. "Section 1", on line seven of said bill, insert the word "that" before before the word "Section" on the same line. Also strike out the word and figures "Section 808" on line ten of said bill and insert in lieu thereof the word and figure "Section 1" Also strike out all of Section 2 of the said bill and insert in lieu thereof the following:

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Brown
Chairman.

On motion report of Committee was received and adopted. And SB No 4 filed for 2nd reading.

On motion Senate took a recess for 20 Minutes.

Senate returned.

The following Bills were referred to Committees as follows

Sub for HB No 7 to Judiciary Committee
HB No 21 " "
HB " 23 " Pub Buildings Hospitals & Prisons
HBills 32-33-34-35-36-37-38-39 & 40, Finance

S. Bills Nos 1-2-3-4 read 2nd time by title and referred to Com on Printing

The Committee on Judiciary were authorized to employ Mr A P Brown as Clerk to date from Feby 5th.

S.B. No 5 was read 2nd time and referred to Finance Committee.

On motion of Hedges the rules were temporarily suspended and S.B. No 4 read 2nd time by title and filed for 3d reading.

On motion of Hedges the rules were suspended temporarily and S Bills No 32-33. 34. 35. 36. 37. 38. 39 & 40 were read 2nd time by title and filed for 3d reading.

The Secretary was instructed ... in accordance with a resolution adopted on Feby 6th 1890 to charge up the 3d days fine of $200.00. against the absent Senators.

On motion of Hedges the rules were temporarily suspended and S. Bills No 32. 33. 34. 35. 36. 37. 38. 39 & 40 were read 3d time and placed upon final passage.

On motion of Brown 2d by Hedges S.B.s No 32 was indefinitely postponed.

H.B. No 33. "An Act appropriating money to pay the salary of the State Veterinary Surgeon. Expenses and Mileage for the same" was read third time and placed on its passage by the following vote

Ayes

Arrington. Babcock. Brown. Foster. Hedges. Hicks. Rutherford. Thompson-8

Noes 0. Not voting Becker. 1

H.B. No 34. "An Act appropriating money for the support of the Asylum and Penitentiary of the State."

Read third time and passed by the following vote.

Yeas. Arrington Brown Hedges Rutherford. Foster Hicks Thompson, Chas S. Noes 0. Not voting. Becker. 1.

H.B No 35 "An Act to provide for paying money to the National Guard, as provided in Section 4 of the 6th Division of the Revised Statutes."
Read third time and passed by the following vote
Yeas Armington. Babcock. Brown. Fisher
Hodges Otis Rutherford Thompson. 8
Nays, 0. Not voting Decker. 1.

H.B No 36. "An Act appropriating money for the board of Convicts in the County Jails and transportation of the same to the State Prisons"
Read third time and passed by the following vote.
Yeas. Armington. Babcock. Brown. Fisher
Hodges. Otis Rutherford Thompson 8
Nays. 0. Not voting Decker. 1.

H.B No 37. "An Act appropriating money for the Education of Deaf, Dumb and Blind Children and transportation of the same"
Read third time and passed by the following vote
Ayes.
Armington. Babcock. Brown. Fisher
Hodges Otis Rutherford Thompson. 8.
Nays. 0. Not voting Decker. 1.

H.B No 38. "An Act appropriating money to pay the salary of the Boiler Inspector and his assistants. Office expenses and mileage"
Read third time and passed by the following vote
Ayes.
Armington. Babcock. Brown. Fisher
Hodges Otis Rutherford Thompson .8.
Nays. 0. Not voting Decker. 1.

H.B No 39.
"An Act appropriating money to pay the salary of the Mine Inspector and assistant Mine Inspector. Office expenses and Mileage"
Read third time and passed by the following vote:

Ayes.
Armington. Babcock. Brown. Fisher
Hedges Olds Rutherford Thompson. 8.
Noes. 0. Not voting Becker, 1.

H.B. No 40
"An Act appropriating money to pay for Printing for Legislative, Executive, and Judicial departments of the State of Montana"
Read third time and passed by the following vote.
Ayes.
Armington. Babcock, Brown. Fisher
Hedges Olds Rutherford Thompson. 8.
Noes 0. Not voting Becker. 1.

On motion Senate adjourned until Monday at 10 A.M.

Frederick Gilbert
Secy.

Eighth Day.

Senate Chamber
Helena Mont
Feb 10th 1890

Senate met pursuant to adjournment. President in the Chair.
Roll Call.
Present Armington. Babcock. Brown. Fisher. Hedges. Olds. Rutherford Thompson. 8.
Absent: McNamara. Porter. Baker. Becker. Hemgesser. Holmes. Robinson. 9.
Journal of the preceding session read corrected and approved.
On motion
Recess was taken until 2 P.M.

2 P.M.
Senate reassembled. President in the Chair.
On Motion Recess was taken until 2 P.M.

Senate Chamber
Jan 7th 1870

Senate resumed. Mr President in the Chair

"Resolved that the Senate will proceed to the election of Printers for their Session Laws & Journal"

On motion Senate adjourned until to-morrow at 10. o'clock

Frederick Gilbert
Secretary.

Eighty First Day

Senate Chamber
Austin Minnesota
Jan 8th 1870

Senate met pursuant to adjournment.
Mr President in the Chair.

Roll Called.

Present	Absent
Armstrong	Baker
Bissell	Becker
Brown	Drummond
Dodge	Hoffman
Fisher	McNamara
Ide	Parkman
Rathbun	Redd
Hennessy	Thompson

Prayer by the Chaplain.

Minutes of preceding day read and approved.

On motion a recess was taken until 2 PM

Senate Chamber
2. PM

Senate resumed. Mr President in the Chair

The Secretary was instructed in pursuance of a Resolution offered on Feby 6th to charge up the 5th days pay of $8.00 against Rutherford Gilfillan

On motion of Judge Bissell adjourned.

Frederick Gilbert
Secy.

Eighty Second Day.

Senate Chamber
Topeka Kansas
Feby 12th 1870

Senate met pursuant to adjournment
Mr President in the Chair:
Roll called:

Present	Absent
Armington	Baker
Babcock	Bicker
Brown	Kennedy
Fisher	Kofman
Hedges	McNamara
Olds	Parker
	Reed
	Rutherford
	Thompson
	Thornton

Prayer by the Chaplain

Leave of absence for two days was granted Senators Thompson and Rutherford.

On motion a recess was taken for 30 minutes

Senate Chamber
10.30 A M

Senate returned. President in the Chair:

Minutes of the preceding day read, corrected and approved.

The Secretary was instructed in pursuance of a Resolution offered on Feby 6th to charge the 6th days pay of $100.00 against the 7 absent Senators

On motion Senate adjourned.

Frederick Gilbert
Secy.

Eighty Third Day

Senate Chamber
Helena Mont
Feby 13th 1891

Senate met pursuant to adjournment.
Present the President and all Senators.
Absent

Arnoldi	Baker
Babcock	Becker
Brown	Kennedy
Fisher	Kaufman
Hodgen	McNamara
Pike	Carberry
Rutherford	Boyle
	Thomson
	Bonner

Absent on leave Rutherford. Thomson.
Prayer by the Chaplain
Minutes of the preceding day read and approved
On motion Senate took a recess until
2. P.M.

Senate Chamber
2 P.M.

Senate resumed. Mr President in the Chair
On motion of Sid Senate adjourned

Frederick Fisher
Secretary,

Senate Chamber
Helena Mont
Feb 14th 1891

Senate met pursuant to adjournment. Present
Present
Arnoldi
Baker
Becker
Kennedy
Kaufman
McNamara
Carberry
Boyle
Thomson
Bonner

Roll call dispensed with
Minutes of yesterday read and approved

Senate Chamber
H.O. 721

Senate resumed.

Mr. President in the Chair.

Minutes of the preceding day read and approved.

Requests of Senator Thompson was noted.

Senator Hughes offered the following resolution:

Resolved:

That Senator H.S. Becker for absenting himself from the sessions of this body on Monday the 10th inst and all days since that date without leave in violation of Rule 4 and in disregard of his official oath and duty as well as of his pledge of honor to be present at the sessions of the 10th be declared to be in contempt of the Senate and that in part punishment therefor, he be fined in the sum of One Thousand Dollars in addition to the Expense incurred in his arrest and return to his place of duty on the 9th inst.

Seconded by Rutherford and adopted.

The following Resolution was also offered by Senator Hedges.

Senate Chamber July 14th 1890

Resolved: in the Senate present in the State Senate of Montana, hindered in the discharge of their public duties by the unlawful and inexcusable absence of one Sally their number, to-wit Senators Jul Baker R.S. Hedges, H.S. Becker, W.M. Thornton, C.J. McNamara C.H. Hoffman, William Parberry and A.J. Stevens in the exercise of the power conferred upon a Minority to compel the attendance of absentees in such manner and under such penalties as each house may prescribe, do hereby prescribe that each of said absent Senators be adjudged to pay a penalty of $500.00 for each and every day's unexcused absence from the service of the present legislative session dating from February 12th inclusive. Motion Seconded by Fisher and adopted.

Leave of absence was granted Senator Hedges for one day on motion.

Senate adjourned

Theodore Cobban
Secretary.

Eighty Fifth Day.

Senate Chamber
Helena Mont
Feby 15th 1890

Senate met pursuant to adjournment. Hon
President in the Chair.

Present

Armington
Brown
Fisher
Hedges
Olds
Thompson

Absent

Baker
Becker
Kenney
Hoffman
McNamara
Carberry
Rudd
Thornton

Excused for the day Babcock & Rutherford

Prayer by the Chaplain

Reading day read Corrected and approved.

On motion Senate adjourned.

Frederick Lister
Secretary

Eighty Seventh Day

Senate Chamber
Helena Mont
17- Feby 1890

Senate met pursuant to adjournment
Senator Olds President pro tem in the Chair.
Roll Called

Present

Armington
Babcock
Brown
Fisher
Hedges
Olds
Rutherford

Absent

Baker
Becker
Kenney
Hoffman
McNamara
Carberry
Rudd
Thornton

Excused for the day Thompson
Craigenby the
Chaplain.

On motion a recess was taken until 4 P.M.

Senate Chamber
4 P.M

Senate resumed Mr President in the

Chair. Journal of preceding day read and approved. On motion Senate adjourned

Frederick Billers
Secretary

Eighth Eighth Day.

Senate Chamber
Helena Mont
18 Feby 1890

Senate met pursuant to adjournment. Hon President in the Chair.

Roll called.

Present

Armington
Babcock
Brown
Fisher
Hedges
Old
Rutherford
Thurston

Absent

Baker
Becker
Hennessy
Hoffman
McNamara
Sanderson
Rudd
Thornton

Prayer by the Chaplain

Minutes of the preceding day read and approved

On motion Senate

Frederick Billers
Secretary

Eighty Ninth Day

Senate Chamber
Helena Mont
Feby 19th 1890

Senate met pursuant to adjournment. Hon President in the Chair

Present

Absent

Armington
Babcock
Brown
Fisher
Hedges
Old
Rutherford
Thurston

Baker
Becker
Hennessy
Hoffman
McNamara
Sanderson
Rudd
Thornton

Prayer by the Chaplain

Minutes of preceding day read and approved. On motion Senate adjourned

Frederick Billers Sec

Ninetieth Day.

Senate Chamber
Helena Montana
Feby 20th 1890. 10. a.m.

Senate met pursuant to adjournment.
Mr President in the Chair. Roll called -

Present.	Absent
Armington	Baker
Babcock	Booker
Brown	Hennessy
Fisher	Hoffman
Hedges.	McNamara
Olds	Parberry
Rutherford	Redd
Thompson	Thornton

Prayer by the Chaplain -
Minutes of preceeding Session read and approved - On motion of Senator Fisher a recess for half an hour was taken. Senate resumed - Communication from Governor received - On Motion of Senator Olds a recess was taken until 2 oclock P. M.

2 oclock P. M.
Senate resumed. Communication of Governor read.

State of Montana.
Helena Montana
Executive Office: February 19th 1890.

To the President of the Senate.
Senate Chamber.
Helena Montana.

I have the honor to nominate and appoint Dr William M. Bullard of Madison County Montana a member of the Board of Medical Examiners of the State of Montana subject to the provisions of Sec. 1 of an act entitled "An Act to regulate the practice of Medicine in the Territory of Montana" approved February 28th 1890.

Jos K. Toole.
Governor.

President of the Senate announced no business being present, no motion could be taken.
On motion of Olds a recess was taken until 11 oclock P. M.

11 oclock P. M
Senate resumed - On motion of Olds a recess of 20 minutes was taken -

Senate resumed -
Minutes of to days session read and approved.
On motion of Hedges the following Resolution was presented and ordered spread

upon the minutes and a copy signed by the Senators be presented to our presiding officer Senate Chamber Helena Mont.
February 20th 1890.

Be it Resolved; by the Senate, as expressive of the sense of every Senator (who was present at the opening, and is now present at the close of the first Session of the State Senate of Montana:- That our presiding Officer Lieutenant Governor J. E. Richards merits and receives our fullest and warmest thanks for his untiring devotion to his official duties; often under the most perplexing and exasperating circumstances, with courage and patience, ready for any emergency and equal to any demands. he has been uniformly courteous, considerate and dignified. None ever tried more faithfully to do his duty and forward the business which the people expected at the hands of their representatives.
If we have failed it is not the fault of our presiding officer.

We hereby certify that the foregoing pages from page 1 to page 155 ~~both~~ inclusive comprises the proceedings of the first Session of the State Senate of the Legislative assembly of the State of Montana beginning at noon November 23rd 1889 and ending at midnight February 20th 1890

The hour of 12 o'clock midnight having arrived the Senate of the State of Montana at its first Session stands adjourned Sine die by limitation of law.

J. E. Richards.
President of Senate.

Attest. Frederick Gilbert
Secretary.